

6-18-2015

State v. Demint Clerk's Record Dckt. 43367

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

WILLIAM SCOTT DEMINT,

Defendant-Appellant.

Supreme Court Case No. 43367

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE STEVEN HIPPLER

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

State of Idaho vs. William Scott DeMint

Date	Code	User		Judge
8/21/2014	NCRF	PRSCHOKF	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRSCHOKF	Prosecutor assigned Ada County Prosecutor	Magistrate Court Clerk
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 08/21/2014 01:30 PM)	Kevin Swain
	CRCO	TCMCCOSL	Criminal Complaint	Magistrate Court Clerk
	MOTN	TCMCCOSL	Motion to Consol	Magistrate Court Clerk
	ORDR	TCMCCOSL	Order to Consol W/ FE-14-12186	Magistrate Court Clerk
	ARRN	TCEMERYV	Hearing result for Video Arraignment scheduled on 08/21/2014 01:30 PM: Arraignment / First Appearance	Kevin Swain
	CONH	TCEMERYV	Hearing result for Video Arraignment scheduled on 08/21/2014 01:30 PM: Conference Held	Kevin Swain
	CHGA	TCEMERYV	Judge Change: Administrative	Kevin Swain
	ORPD	TCEMERYV	Order Appointing Public Defender Ada County Public Defender [file stamped 08/22/14]	Kevin Swain
	HRSC	TCEMERYV	Hearing Scheduled (Preliminary 09/04/2014 08:30 AM)	Kevin Swain
	BSET	TCEMERYV	BOND SET: at 500000.00 - (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine)	Kevin Swain
8/25/2014	MFBR	TCCHRIKE	Motion For Bond Reduction	Kevin Swain
	NOHG	TCCHRIKE	Notice Of Hearing	Kevin Swain
	RQDD	TCCHRIKE	Defendant's Request for Discovery	Kevin Swain
9/3/2014	PHRD	TCLANGAJ	Preliminary Hearing Response to Request for Discovery and Objections	Kevin Swain
	RQDS	TCLANGAJ	State/City Request for Discovery	Kevin Swain
9/4/2014	CHGA	TCHOCA	Judge Change: Administrative	Michael Oths
	CONT	TCHOCA	Continued (Preliminary 09/25/2014 08:30 AM)	Michael Oths
	MMNH	TCHOCA	Magistrate Minutes & Notice of Hearing	Michael Oths
9/9/2014	SSOC	TCOLSOMC	Stipulation For Substitution Of Counsel / Miller	Michael Oths
	NOAP	TCLANGAJ	Notice Of Appearance/Miller	Michael Oths
	RQDD	TCLANGAJ	Defendant's Request for Discovery	Michael Oths
9/16/2014	PHRD	TCCHRIKE	Preliminary Hearing Response to Request for Discovery and Objections / First Supplemental	Michael Oths
9/25/2014	CONT	TCHOCA	Continued (Preliminary 10/24/2014 08:30 AM)	Michael Oths
	MMNH	TCHOCA	Magistrate Minutes & Notice of Hearing	Michael Oths
10/22/2014	PHRD	TCLANGAJ	Preliminary Hearing Response to Request for Discovery and Objections/Second Supplemental	Michael Oths
	RQDS	TCLANGAJ	State/City Request for Discovery	Michael Oths
10/24/2014	CONT	TCHOCA	Continued (Preliminary 11/06/2014 08:30 AM)	Michael Oths

State of Idaho vs. William Scott DeMint

Date	Code	User		Judge
10/24/2014	MMNH	TCHOCA	Magistrate Minutes & Notice of Hearing	Michael Oths
10/27/2014	PHRD	TCLANGAJ	Preliminary Hearing Response to Request for Discovery and Objections/Third Supplemental [unable to locate - possibly entered in error]	Michael Oths
	INDT	TCPACKCF	Indictment [file stamped 10/28/2014]	Steven Hippler
10/28/2014	HRVC	TCPACKCF	Hearing result for Preliminary scheduled on 11/06/2014 08:30 AM: Hearing Vacated	Michael Oths
	CHGA	TCPACKCF	Judge Change: Administrative	Steven Hippler
	HRSC	TCPACKCF	Hearing Scheduled (Arraignment 11/18/2014 09:00 AM)	Steven Hippler
	MOTN	TCPACKCF	Motion to consolidate	Steven Hippler
	ORDR	TCPACKCF	Order to consolidate	Steven Hippler
11/17/2014	PROS	PRBRIGCA	Prosecutor assigned Heather Reilly	Steven Hippler
11/18/2014	DCAR	CCCHILER	Hearing result for Arraignment scheduled on 11/18/2014 09:00 AM: District Court Arraignment- Court Reporter: Christie Valcich Number of Pages: less than 100	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Entry of Plea 12/02/2014 09:00 AM)	Steven Hippler
12/2/2014	DCHH	CCCHILER	Hearing result for Entry of Plea scheduled on 12/02/2014 09:00 AM: District Court Hearing Held Court Reporter: Christie Valcich Number of Transcript Pages for this hearing estimated: less than 100	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Jury Trial 03/30/2015 09:00 AM) 4 days	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Pretrial Conference 03/17/2015 03:00 PM)	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Status 03/10/2015 02:00 PM)	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Hearing Scheduled 02/25/2015 03:00 PM) suppression hearing	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Arraignment 12/09/2014 09:00 AM) on info pt 2	Steven Hippler
	PLEA	CCCHILER	A Plea is entered for charge: - NG (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine)	Steven Hippler
	PLEA	CCCHILER	A Plea is entered for charge: - NG (I37-2732(c)(3) {M} Controlled Substance-Possession of)	Steven Hippler
	PLEA	CCCHILER	A Plea is entered for charge: - NG (I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use)	Steven Hippler
	ORDR	CCCHILER	Order Governing Further Criminal Proceedings and Notice of Trial Setting	Steven Hippler

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State of Idaho vs. William Scott DeMint

Date	Code	User	Judge
12/9/2014	DCAR	CCCHILER	Hearing result for Arraignment scheduled on 12/09/2014 09:00 AM: District Court Arraignment- Court Reporter: Christie Valcich Number of Pages: on info pt 2;less than 100
	MOTN	CCCHILER	Motion for Leave to File Information Part II
	INFP2	CCCHILER	Information Part 2
12/12/2014	MOTN	TCOLSOMC	Motion to Preparation of Grand Jury Transcript
12/18/2014	ORDR	CCCHILER	Order for Grand Jury Transcript
12/29/2014	ESTM	TCCHRIKE	Estimate Of Transcript Cost
1/13/2015	NOTC	TCOLSOMC	Notice of Payment of Estimated Cost of Grand Jury Transcript
1/26/2015	TRAN	TCOLSOMC	Transcript Filed
1/30/2015	RQDS	TCMALOWR	State/City Request for Discovery
	RSDS	TCOLSOMC	State/City Response to Discovery
2/5/2015	RSDS	TCLANGAJ	State/City Response to Discovery/Addendum
2/6/2015	MOTN	TCWRIGSA	Motion to Exclude Evidence
	MOTE	TCLANGAJ	Motion to Enlarge Time for Filing Pretrial Motions
	RQDD	TCLANGAJ	Defendant's Request for Discovery/Second
2/13/2015	HRSC	CCCHILER	Hearing Scheduled (Hearing Scheduled 02/24/2015 02:00 PM)
		CCCHILER	Notice of Hearing
2/17/2015	RSDS	TCLANGAJ	State/City Response to Discovery/Second
2/20/2015	MOTN	TCWRIGSA	Motion to Enroll in ABC/SAP Classes While in Custody
	RQDD	TCWRIGSA	Defendant's Request for Discovery/ Third
2/24/2015	RSDS	TCLANGAJ	State/City Response to Discovery/Second Addendum
	RSDS	TCLANGAJ	State/City Response to Discovery/Third
	DCHH	CCCHILER	Hearing result for Hearing Scheduled scheduled on 02/24/2015 02:00 PM: District Court Hearing Held Court Reporter: Christie Valcich Number of Transcript Pages for this hearing estimated: less than 100
2/25/2015	DCHH	CCCHILER	Hearing result for Hearing Scheduled scheduled on 02/25/2015 03:00 PM: District Court Hearing Held Court Reporter: Christie Valcich Number of Transcript Pages for this hearing estimated: suppression hearing; less than 100
2/26/2015	MOTN	TCKEENMM	Motion for Preparation of Transcript
3/2/2015	NINT	TCLANGAJ	Notice Of Intent to Use Defendant's Sworn Statements

State of Idaho vs. William Scott DeMint

Date	Code	User		Judge
3/4/2015	RSDS	TCWRIGSA	State/City Response to Discovery/ Third Addendum	Steven Hippler
	ORDR	CCCHILER	Order for Preparation of Transcript	Steven Hippler
	MOTN	TCOLSOMC	Motion for Return of Property	Steven Hippler
	AFSM	TCOLSOMC	Affidavit In Support Of Motion	Steven Hippler
	MOTN	TCLANGAJ	Motion for Leave to File Amended Information Part II	Steven Hippler
	NOHG	TCWRIGSA	Notice Of Hearing (3-10-2015 @ 2)	Steven Hippler
3/10/2015	DCHH	CCCHILER	Hearing result for Status scheduled on 03/10/2015 02:00 PM: District Court Hearing Held Court Reporter: Christie Valcich Number of Transcript Pages for this hearing estimated: less than 100	Steven Hippler
	AINF	CCCHILER	Amended Information Part II	Steven Hippler
3/13/2015	NOHG	TCWRIGSA	Notice Of Hearing (3-17-2015 @ 3)	Steven Hippler
	MOTN	TCWRIGSA	Motion to Shorten Time	Steven Hippler
	NOHG	TCWRIGSA	Notice Of Hearing (3-17-2015 @ 3)	Steven Hippler
	MISC	TCWRIGSA	Witness and Exhibit List and Request for Jury Instructions	Steven Hippler
	MOTN	TCKEENMM	Motion for Preparation of Transcript	Steven Hippler
3/17/2015	DCHH	CCCHILER	Hearing result for Pretrial Conference scheduled on 03/17/2015 03:00 PM: District Court Hearing Held Court Reporter: Christie Valcich Number of Transcript Pages for this hearing estimated: less than 100	Steven Hippler
3/18/2015	ORDR	CCNELSRF	Order for Preparation of Transcript	Steven Hippler
3/20/2015	RSDS	TCCHRIKE	State/City Response to Discovery / Fourth Addendum	Steven Hippler
3/25/2015	HRSC	CCCHILER	Hearing Scheduled (Jury Trial 04/01/2015 09:00 AM) day 2	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Jury Trial 04/02/2015 12:00 PM) day 3	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Jury Trial 04/03/2015 09:00 AM) day 4	Steven Hippler
3/26/2015	HRSC	CCCHILER	Hearing Scheduled (Jury Trial 03/31/2015 09:00 AM) day 1	Steven Hippler
	HRVC	CCCHILER	Hearing result for Jury Trial scheduled on 03/30/2015 09:00 AM: Hearing Vacated day 1	Steven Hippler
	CONT	CCCHILER	Continued (Jury Trial 04/02/2015 09:00 PM) day 3	Steven Hippler
	CONT	CCCHILER	Continued (Jury Trial 04/02/2015 12:00 PM) day 2	Steven Hippler

State of Idaho vs. William Scott DeMint

Date	Code	User	Judge
3/26/2015	HRVC	CCCHILER	Hearing result for Jury Trial scheduled on 03/31/2015 09:00 AM: Hearing Vacated day 1
	RSDS	TCKEENMM	State/City Response to Discovery / Fifth Addendum
3/27/2015	RSDS	TCCHRIKE	State/City Response to Discovery / Sixth Addendum
3/31/2015	HRVC	CCCHILER	Hearing result for Jury Trial scheduled on 04/03/2015 09:00 AM: Hearing Vacated day 3
	HRVC	CCCHILER	Hearing result for Jury Trial scheduled on 04/02/2015 12:00 PM: Hearing Vacated day 2
	HRVC	CCCHILER	Hearing result for Jury Trial scheduled on 04/01/2015 09:00 AM: Hearing Vacated day 1
	DCHH	CCCHILER	District Court Hearing Held Court Reporter: Christie Valcich Number of Transcript Pages for this hearing estimated: less than 100; change of plea
	GPA	CCCHILER	Guilty Plea Advisory
	PSIO1	CCCHILER	Pre-Sentence Investigation Evaluation Ordered
	PLEA	CCCHILER	A Plea is entered for charge: - GT (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine)
	PLEA	CCCHILER	A Plea is entered for charge: - GT (I18-3316(1) Weapon-Unlawful Possession by Convicted Felon)
	PSIO1	CCCHILER	Pre-Sentence Investigation Evaluation Ordered
	MISC	CCCHILER	Rule 11 Conditional Plea
4/1/2015	REDU	CCCHILER	Charge Reduced Or Amended (I37-2734B Drug Paraphernalia-Deliver, Possess or Manufacture Violations)
	REDU	CCCHILER	Charge Reduced Or Amended (I18-3316(1) Weapon-Unlawful Possession by Convicted Felon)
	REDU	CCCHILER	Charge Reduced Or Amended (I37-2732C {F} Controlled Substance-Use or Under the Influence)
	REDU	CCCHILER	Charge Reduced Or Amended (I37-2732C {M} Controlled Substance-Use or Under the Influence)
	HRSC	CCCHILER	Hearing Scheduled (Sentencing 05/18/2015 11:00 AM)
4/3/2015	RSDS	TCWRIGSA	State/City Response to Discovery/ Seventh Addendum
5/7/2015	STIP	TCOLSOMC	Stipulated Motion to Continue Sentencing
5/12/2015	HRVC	CCCHILER	Hearing result for Sentencing scheduled on 05/18/2015 11:00 AM: Hearing Vacated

State of Idaho vs. William Scott DeMint

Date	Code	User		Judge
5/13/2015	ORDR	CCCHILER	Order to Continue Sentencing	Steven Hippler
	HRSC	CCCHILER	Hearing Scheduled (Sentencing 05/26/2015 03:30 PM)	Steven Hippler
5/26/2015	DCHH	CCCHILER	Hearing result for Sentencing scheduled on 05/26/2015 03:30 PM: District Court Hearing Held Court Reporter: Christie Valcich Number of Transcript Pages for this hearing estimated: less than 100	Steven Hippler
	FIGT	CCCHILER	Finding of Guilty (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine)	Steven Hippler
	JAIL	CCCHILER	Sentenced to Jail or Detention (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine) Confinement terms: Penitentiary determinate: 10 years. Penitentiary indeterminate: 10 years.	Steven Hippler
	CONC	CCCHILER	Concurrent Sentencing (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine) Consecutive Sentence: count 3 Concurrent with:	Steven Hippler
	FIGT	CCCHILER	Finding of Guilty (I18-3316(1) Weapon-Unlawful Possession by Convicted Felon)	Steven Hippler
	JAIL	CCCHILER	Sentenced to Jail or Detention (I18-3316(1) Weapon-Unlawful Possession by Convicted Felon) Confinement terms: Penitentiary determinate: 2 years 6 months. Penitentiary indeterminate: 2 years 6 months.	Steven Hippler
	CONC	CCCHILER	Concurrent Sentencing (I18-3316(1) Weapon-Unlawful Possession by Convicted Felon) Consecutive Sentence: count 1 Concurrent with:	Steven Hippler
	STAT	CCCHILER	STATUS CHANGED: closed pending clerk action	Steven Hippler
	SNPF	CCCHILER	Sentenced To Pay Fine 25285.50 charge: I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine	Steven Hippler
	SNPF	CCCHILER	Sentenced To Pay Fine 245.50 charge: I18-3316(1) Weapon-Unlawful Possession by Convicted Felon	Steven Hippler
5/27/2015	RESR	PRSESSTM	Restitution Recommended by the Prosecutor's office. 1200.00 victim # 1	Steven Hippler
	RESR	PRSESSTM	Restitution Recommended by the Prosecutor's office. 1664.00 victim # 2	Steven Hippler
	RESR	PRSESSTM	Restitution Recommended by the Prosecutor's office. 13015.00 victim # 3	Steven Hippler
	RESR	PRSESSTM	Restitution Recommended by the Prosecutor's office. 263.25 victim # 4	Steven Hippler
5/28/2015	ORDR	DCLYKEMA	Order for Restitution and Judgment	Steven Hippler

State of Idaho vs. William Scott DeMint

Date	Code	User	Judge
5/28/2015	JCOC	DCLYKEMA	Judgment of Conviction and Commitment Steven Hippler
6/3/2015	MOTN	TCSHANAA	Motion for Leave to Withdraw as Counsel of Record Steven Hippler
6/11/2015	HRSC	CCCHILER	Hearing Scheduled (Motion to Withdraw 06/22/2015 03:00 PM) Steven Hippler
		CCCHILER	Notice of Hearing Steven Hippler
6/18/2015	NOTA	TCMARKSA	NOTICE OF APPEAL Steven Hippler
	APSC	TCMARKSA	Appealed To The Supreme Court Steven Hippler
6/19/2015		CCNELSRF	Order to Transport Steven Hippler
6/22/2015	CONT	CCCHILER	Continued (Motion to Withdraw 06/29/2015 02:00 PM) Steven Hippler
6/23/2015	ORDR	CCCHILER	Order to Transport Steven Hippler
6/29/2015	DCHH	CCCHILER	Hearing result for Motion to Withdraw scheduled on 06/29/2015 02:00 PM: District Court Hearing Held Court Reporter: Christie Valcich Number of Transcript Pages for this hearing estimated: less than 100 Steven Hippler
7/23/2015	ORDR	CCCHILER	Order for Return of Property Steven Hippler
	ORDR	CCCHILER	Order Granting Leave to Withdraw as Counsel of Record Steven Hippler
	ORDR	CCCHILER	Order for Appointment of State Appellate Public Defender Steven Hippler
8/17/2015	NOTA	TCWEGEKE	Amended NOTICE OF APPEAL Steven Hippler
9/3/2015	HRSC	TCKEENMM	Hearing Scheduled (Hearing Scheduled 09/14/2015 03:00 PM) Steven Hippler
9/9/2015	HRVC	CCCHILER	Hearing result for Hearing Scheduled scheduled on 09/14/2015 03:00 PM: Hearing Vacated; clerk error with consolidated case Steven Hippler
9/14/2015	MOTN	TCCHRIKE	Motion for Correction or Reduction of Sentence, ICR 35 Steven Hippler
	MOTN	TCCHRIKE	Motion for Hearing Steven Hippler
	MOAF	TCCHRIKE	Motion & Affidavit in Support for Appointment of Counsel Steven Hippler
	MOAF	TCCHRIKE	Motion & Affidavit for Permission to Proceed on Partial Payment of Court Fees Steven Hippler
9/17/2015	NOTC	TCWEGEKE	Notice of Transcript Lodged - Supreme Court No. 43367 Steven Hippler
9/18/2015	ORDR	CCCHILER	Notice and Order Appointing Public Defender Steven Hippler

AUG 21 2014

CHRISTOPHER D. RICH, Clerk
By **STORMY McCORMACK**
DEPUTY

DR # 14-012988

GREG H. BOWER

Ada County Prosecuting Attorney

Douglas R. Varie
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

WILLIAM SCOTT DEMINT,)

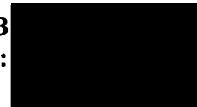
Defendant.)

Case No. CRFE20140012188

COMPLAINT

Demint's DOB

Demint's SSN:



PERSONALLY APPEARED Before me this 21 day of August 2014, Douglas R. Varie, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did commit the crimes of: I. TRAFFICKING IN METHAMPHETAMINE OR AMPHETAMINE, FELONY, I.C. §37-2732B(a)(4) II. POSSESSION OF A CONTROLLED SUBSTANCE, MISDEMEANOR, I.C. §37-2732(c) and III. POSSESSION OF DRUG PARAPHERNALIA, MISDEMEANOR, I.C. §37-2734A as follows:

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COUNT I

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, was knowingly in constructive possession of four hundred (400) grams or more of methamphetamine, a Schedule II controlled substance, or of any mixture or substance containing a detectable amount of methamphetamine.

COUNT II

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I non-narcotic controlled substance.

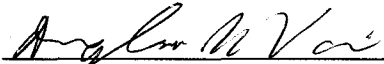
COUNT III

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did possess with the intent to use drug paraphernalia, to-wit: a scale, used to analyze a controlled substance.

PC I, II, III
8-21-14
JH

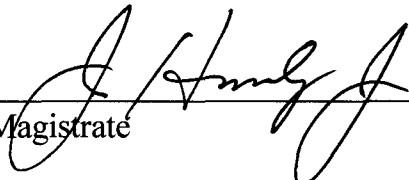
All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Douglas R. Varie
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 21 day of August 2014.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. FE-2014-12188

vs

William Demint

CLERK C. Ho D. Finnegan

DATE 8 / 21 / 2014 TIME 10:45

PROSECUTOR: KARI HIGBEE DOUG VARIE

CASE ID HAWLEY BEG. 104539

KASSANDRA SLAVEN

COURTROOM 204 END 105108

COMPLAINING WITNESS _____

INTOX _____

JUDGE

STATUS

- ☐ BERECH
- ☐ BIETER
- ☐ CAWTHON
- ☐ COMSTOCK
- ☐ ELLIS
- ☐ FORTIER
- ☐ GARDUNIA
- ☐ HARRIGFELD
- ☒ HAWLEY
- ☐ HICKS
- ☐ KIBODEAUX
- ☐ _____
- ☐ _____

- ☐ MacGREGOR-IRBY
- ☐ MANWEILER
- ☐ McDANIEL
- ☐ MINDER
- ☐ OTHS
- ☐ REARDON
- ☐ SCHMIDT
- ☐ STECKEL
- ☐ SWAIN
- ☐ WATKINS

☒ STATE SWORN

- ☒ PC FOUND 1, 2, 3.
- ☒ COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☐ AFFIDAVIT SIGNED
- ☐ JUDICIAL NOTICE TAKEN
- ☐ NO PC FOUND _____
- ☐ EXONERATE BOND _____
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

DR# _____

- ☐ MOTION FOR BOND REVOCATION FOR NON-COMPLIANCE W/PT RELEASE CONDITIONS
- ☐ BOND REVOCATION HEARING TO BE SET AT ARR
- ☐ DISMISS CASE
- ☒ IN CUSTODY

COMMENTS

☐ AGENTS WARRANT JUDGE PV AR set

☐ RULE 5(B) _____ COUNTY _____ BOND \$ _____

☐ FUGITIVE (STATE) _____

☒ MOTION & ORDER TO CONSOLIDATE w/ FE-2014-12186.

AUG 21 2014

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Kari L. Higbee

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

JOSHUA ALLEN THOMAS and

WILLIAM SCOTT DEMINT,

Defendants.

Case No. CR-FE-2014-0012186

CR-FE-2014-0012188

MOTION TO CONSOLIDATE

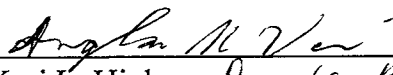
Douglas R. Varie
COMES NOW, ~~Kari L. Higbee~~, Deputy Prosecuting Attorney in and for the State of Idaho, County of Ada, and hereby moves this Honorable Court in the above entitled matter for an Order pursuant to Rule 13 of the Idaho Criminal Rules of Practice and Procedure consolidating criminal case CR-FE-2014-0012186 with criminal case CR-FE-2014-0012188 on the grounds and for the reasons that the facts, evidence and

SM

witnesses are the same in each case. An Order of consolidation would save witness and jury time and the expense for a separate and later trial.

DATED this ____ day of August, 2014.

GREG H. BOWER
Ada County Prosecuting Attorney


~~Kari L. Higbee~~ Doug (a) R. Varie
Deputy Prosecuting Attorney

AUG 21 2014

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Kari L. Higbee
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

JOSHUA ALLEN THOMAS and)
WILLIAM SCOTT DEMINT,)

Defendants.)
_____)

Case No. CR-FE-2014-0012186
CR-FE-2014-0012188

ORDER TO CONSOLIDATE

This Motion for Consolidation having come before me and good cause being shown,
IT IS HEREBY ORDERED AND THIS DOES ORDER that the Motion to
Consolidate be granted.

DATED this 21ST day of August, 2014.



Judge

ORDER TO CONSOLIDATE (THOMAS.DEMINT) Page 1

000014

SM
CC: ADA PA

ADA COUNTY MAGISTRATE MINUTES

William Scott Demint

CR-FE-2014-0012188

DOB: [REDACTED]

Scheduled Event: **Video Arraignment** Thursday, August 21, 2014 01:30 PM

Judge: **Kevin Swain**

Clerk: Heather Meyer

Interpreter: _____

Prosecuting Agency: ☒ AC ☐ BC ☐ EA ☐ GC ☐ MC

Pros: Dave Roscheck

PD/Attorney: Nathan Austin

- 1 I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine F
- 2 I37-2732(c)(3) M Controlled Substance-Possession of M
- 3 I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use M

21900 Case Called Defendant: ☐ Present ☐ Not Present ☒ In Custody

☒ Advised of Rights ☐ Waived Rights ☐ PD Appointed ☐ Waived Attorney

☐ Guilty Plea / PV Admit ☐ N/G Plea ☐ Advise Subsequent Penalty

☒ Bond \$ 500,000 ☐ ROR ☐ Pay / Stay ☐ Payment Agreement

☐ In Chambers ☐ PT Memo ☐ Written Guilty Plea ☐ No Contact Order

Advises def charge

A PD

Court:

PHH 9/4/2014 28:30

Heater

Finish () Release Defendant

NO. 11:36
FILED

AUG 22 2014

CHRISTOPHER D. RICH, Clerk
By MANDI WIENSZ
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

STATE OF IDAHO,
Plaintiff.

vs.

William Scott Demint
Po Box 45212
Boise, ID 83711

Defendant.

) Case No: CR-FE-2014-0012188

) NOTICE OF APPOINTMENT OF PUBLIC DEFENDER
) AND SETTING CASE FOR HEARING

) ☒ Ada ☐ Boise ☐ Eagle ☐ Garden City ☐ Meridian

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Preliminary Thursday, September 04, 2014 08:30 AM
Judge: Kevin Swain

BOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and **THAT THE DEFENDANT BE PERSONALLY PRESENT AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A BENCH WARRANT FOR THE DEFENDANT'S ARREST.**

I hereby certify that copies of this Notice were served as follows on this date of Thursday August 21, 2014.

Defendant: Mailed _____ Hand Delivered / Signature [Signature]
Clerk / date _____ / _____ Phone () 82211

Prosecutor: Interdepartmental Mail ✓ Clerk / date MW 8/22

Public Defender: Interdepartmental Mail ✓ Clerk / date MW 8/22

[Signature]
Deputy Clerk

Cite Pay Website: <https://www.citepayusa.com/payments>
Supreme Court Repository: <https://www.idcourts.us>

NOTICE OF APPOINTMENT OF PUBLIC DEFENDER

000016

394
pH
9/14
8:10

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ FILED P.M. 4

AUG 25 2014

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

MOTION FOR BOND REDUCTION

COMES NOW, WILLIAM SCOTT DEMINT, the above-named defendant, by and through counsel ANN L COSHO, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Monday, August 25, 2014.

Ann L Cosho

ANN L COSHO
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Monday, August 25, 2014, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MOTION FOR BOND REDUCTION

[Signature]

000017

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. _____

AUG 25 2014

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff

vs.

WILLIAM SCOTT DEMINT,
Defendant.

Case No. CR-FE-2014-0012188

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Thursday, September 04, 2014, at the hour of 08:30 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Monday, August 25, 2014.

Ann L Cosho

ANN L COSHO
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Monday, August 25, 2014, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

NOTICE OF HEARING

[Signature]

000018

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. _____

AUG 25 2014

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Monday, August 25, 2014.



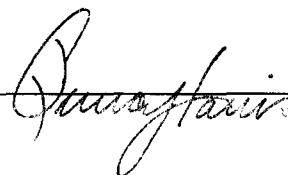
ANN L COSHO
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Monday, August 25, 2014, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



394
P#
9/4
830

NO. 10 FILED
A.M. 10 P.M.

SEP 03 2014

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Kale D. Gans
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012188
vs.)	
	)	PRELIMINARY HEARING
WILLIAM SCOTT DEMINT,	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY AND OBJECTIONS
Defendant.)	
_____)	

COMES NOW, Kale D. Gans, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

**PRELIMINARY HEARING RESPONSE TO REQUEST FOR DISCOVERY AND
OBJECTIONS (DEMINT), Page 1**

000021

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 1 through 80. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or

the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☐ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☐ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

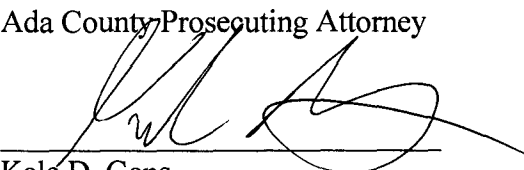
A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

- ☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.
- ☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.
- ☐ Other

RESPECTFULLY SUBMITTED this 2nd day of ~~August~~ 2014.

^{Sec.}
GREG H. BOWER
Ada County Prosecuting Attorney


Kale D. Gans
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3 day of ^{Sept.}~~August~~ 2014, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Ann Cosho, 200 W Front Street, Room #1107 Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____

*Nehru 

NO. 101 FILED
A.M. _____ P.M. _____

SEP 03 2014

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Kale D. Gans
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012188
)	
vs.	)	REQUEST FOR DISCOVERY
)	
WILLIAMS SCOTT DEMINT,)	
)	
Defendant.)	
_____)	

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Expert Witnesses:

The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

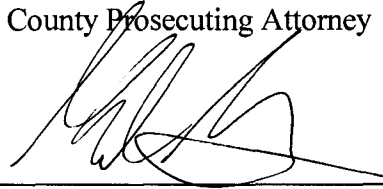
(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 2nd day of ~~August~~ 2014.

Sep.

GREG H. BOWER

Ada County Prosecuting Attorney



Kale D. Gans


Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3 day of ~~August~~^{Sept.} 2014, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

Ann Cosho, 200 W Front Street, Room #1107 Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED 9/4/14 AT 9:13 AM
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY CHO Deputy

STATE OF IDAHO,

Plaintiff,

vs. William S. Demint
Defendant.

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number: FE-14-12188

Case Called: Swain 90942

☒ Ada ☐ Special K. Guns

☒ PD / Private A. Lasho J. Miller

Defendant: ☒ Present ☐ Not Present ☒ In Custody ☐ PD Appointed ☐ Waived Attorney

☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter

☐ Bond \$ 500,000 ☐ Pre-Trial Release Order ☐ Motion for Bond Reduction Denied / Granted

☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☒ State / Defense / Mutual Request for Continuance No Labs

☒ State / Defense Objection / No Objection to Continuance

☒ Case continued to 9-25-14 at 8:30 am/pm for PH w/ others

☐ Defendant Waives Preliminary Hearing ☐ Hearing Held ☐ Commitment Signed

☐ Case Bound Over to Judge on at am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

I hereby certify that copies of this notice were served as follows:

Defendant: ☒ Hand Delivered ☐ Via Counsel Signature [Signature]

Defense Atty: ☐ Hand Delivered ☐ Intdept Mail

Prosecutor: ☒ Hand Delivered ☐ Intdept Mail

By: CHO
Deputy Clerk

DATED 9/4/14

NO. _____
 A.M. _____ P.M. 12:21

SEP 09 2014

 CHRISTOPHER D. RICH, Clerk
 By MAURA OLSON
 DEPUTY

 216
 PH
 9/25
 8:30

Joseph C. Miller
 MAUK MILLER & BURGOYNE, LLC
 515 S. 6th St.
 Boise, ID 83702
 Tel: (208) 287-8787
 Fax: (208) 287-8788
 E-mail: office@idahojustice.com
 ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE -2014-12188

**STIPULATION FOR
 SUBSTITUTION OF COUNSEL**

TO: THE MAGISTRATE JUDGES AND ADA COUNTY PROSECUTORS

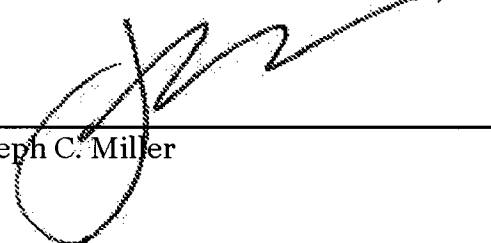
NOTICE IS HEREBY given that the Ada County Public Defender, counsel for the Defendant, and Joseph C. Miller, of the firm Mauk Miller & Burgoyne, LLC, hereby stipulate to the substitution of Joseph C. Miller as counsel of record for the Defendant WILLIAM SCOTT DEMINT in the above-referenced matter. Please forward all further correspondence in this case to Mauk Miller & Burgoyne, LLC, 515 S. 6th St., Boise, ID 83702, (phone 208-287-8787, fax 208-287-8788, e-mail office@idahojustice.com).

DATED this 2nd day of September, 2014.

ADA CO. PUBLIC DEFENDER


 Ada Co. Deputy Public Defender

MAUK MILLER & BURGOYNE, LLC


 Joseph C. Miller

MD

CERTIFICATE OF SERVICE

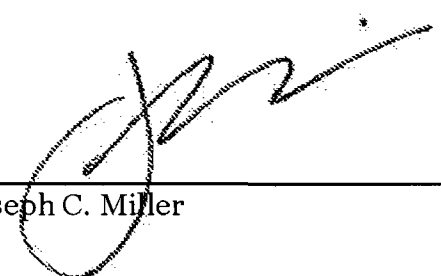
I HEREBY CERTIFY that on this 2nd day of September, 2014, I served a true and correct copy of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Ada County Prosecutor
200 W. Front St
Rm. 3191
Boise, ID 83702
Fax: 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile

Ada County Public Defender
200 W. Front St.
Rm. 1107
Boise, ID 83702
Fax: 287-7419

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

SEP 09 2014

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

26
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9/8-
830

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th St.
Boise, ID 83702
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	NOTICE OF APPEARANCE AND
vs.	)	MOTION FOR BOND REDUCTION
)	
WILLIAM SCOTT DEMINT)	
)	
Defendant.)	

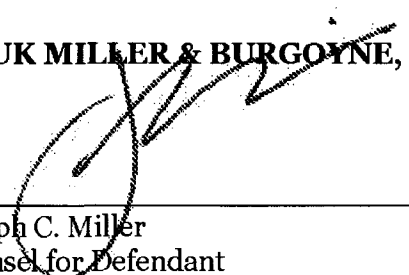
TO: THE MAGISTRATE JUDGES AND ADA COUNTY PROSECUTORS

PLEASE TAKE NOTICE that Joseph C. Miller of the firm Mauk Miller & Burgoyne, LLC, hereby appears as counsel of record for Defendant WILLIAM SCOTT DEMINT in the above-referenced case. Future mailings and contact should be directed to Joseph C. Miller at Mauk Miller & Burgoyne, LLC, 515 S. 6th St., Boise, ID 83702, Tel: 287-8787, Fax: 287-8788, office@idahojustice.com.

Defendant also moves for a reduction of his bond and notice is hereby given that the issue of bond will be argued at the preliminary hearing in this matter.

DATED this 2nd day of September, 2014.

MAUK MILLER & BURGOYNE, LLC



Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of September, 2014, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Ada County Prosecutor
200 W Front St, Rm. 3191
Boise, ID 83702
Fax (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

SEP 09 2014

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

Joseph C. Miller
 MAUK MILLER & BURGOYNE, LLC
 515 S. 6th St.
 Boise, ID 83702
 Tel: (208) 287-8787
 Fax: (208) 287-8788
 E-mail: office@idahojustice.com
 ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	DEFENDANT'S FIRST
vs.	)	DISCOVERY REQUEST
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	
_____)	

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and, pursuant to I.C.R. 16, hereby requests discovery and inspection of all materials discoverable per I.C.R. 16 b (1-8), including but not limited to, the following:

1. **Statements to Agents of the State.** Dates, content and copies (if in written form) of any and all statements and/or communications made by the Defendant, Co-Defendant(s), victim(s), victim-witness coordinator(s) and witness(es), whether oral, written or otherwise, to any law enforcement agent, prosecutor, official, agent of the state, or anyone involved with or connected to the investigation or prosecution of this case, the existence of which is known or which is available to the prosecuting attorney by the exercise of due diligence, and all formal and informal notes related to such statements or communications, and also the substance of any relevant or oral statement made by the Defendant – whether before or after arrest – to a peace officer, prosecuting attorney or his agent, and the recorded testimony of the Defendant before a Grand Jury which relates to the offense charged.

2. **Defendant's prior record.** A copy of the Defendant's entire prior criminal record, if any, as is then or may become available to the prosecuting attorney, and a description, summary and/or listing of any or all "bad acts" or occurrences the prosecution intends to introduce against the Defendant or that the prosecution may use against any witness or co-defendant for purposes of cross-examination or as rebuttal to character evidence introduced by Defendant or by his/her witnesses.

3. **Documents and tangible objects.** Books, papers, documents, audio or video recordings, photographs, blood, tangible objects, or copies or portions thereof, which are intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the Defendant, with a chain of custody record for each such item, pursuant to Rule 16(b)(4).

4. **Video or audio recordings.** Permit the Defendant to inspect and copy any and all video or audio recordings which are in the possession, custody or control of the State, of any conversations between the Defendant, or co-Defendant and any agent of the State.

5. **Reports of examinations and tests.** Permit the Defendant to inspect and copy or photograph any results of reports of physical or mental examinations and of scientific tests or experiments made in connection with this particular case, or copies thereof, which are intended for use by the prosecutor as evidence at trial, pursuant to Rule 16(b)(5).

6. **State witnesses.** A written list of the names, addresses and telephone numbers of all persons having knowledge of relevant facts who may be called by the prosecuting attorney as witnesses at trial, together with any record of prior felony convictions of any such person, and copies of any and all statements, whether oral, written or otherwise, made by the prosecution's witnesses, or prospective witnesses, to the prosecuting attorney or his agents, or to any law enforcement agent or official involved in the investigation of the case and a summary of each witness's prospective testimony, pursuant to Rule 16(b)(6).

7. **Police and Dispatch reports.** All reports, memoranda, notes, audio and/or video recordings, cell phone records, dispatch transcripts, and dispatch audio made by any law enforcement agent in the investigation or the prosecution of this case and involving Defendant or any other witness or person involved in this case.

8. **Jail Records.** Copies of all jail records for the Defendant, included but not limited to booking slips, cell-mate records, and any other reports, memoranda or records made in connection with the booking process related to this case, surety or bond records and personal property records for the Defendant. Also, copies of any recorded conversations, whether oral,

written or otherwise, between the Defendant and any third person while Defendant was incarcerated or held at any detention facility.

9. **Immigration Materials.** If there was or is an immigration hold on Defendant, copies of any immigration holds, any and all records, notes, logs or communications with the Department of Immigration and Naturalization, the Department of Homeland Security, ICE, or other state or federal government agencies, agents, or any other individual regarding the immigration status of Defendant, copies of each agreement and contract the jail, city, county or state has with Immigration or Homeland Security regarding funding and inmates, copies of any detention policies and procedures regarding immigration and immigration holds and inmates.

10. **Experts.** The underlying facts or data that form the basis of any expert testimony pursuant to Idaho Rule of Evidence 705.

11. **SOP Manual.** The specific Standard Operating Procedures Manual the officer(s) followed when administering any field sobriety tests or blood alcohol tests.

12. **Brady Material.** All exculpatory evidence favorable to the Defendant which is material either to guilt or punishment. *Brady v. Maryland*, 373 U.S. 83 (1963).

The Defendant further requests this information, evidence and material, or permission to inspect and copy the information, evidence and materials, within FOURTEEN (14) days, unless it is given sooner.

The Defendant reserves the right to make request for such other and additional discovery as may be determined at a later date.

DATED this 2nd day of September, 2014.

MAUK MILLER & BURGOYNE, LLC



Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of September, 2014, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Ada County Prosecutor
200 W Front St., Rm. 3191
Boise, ID 83702
Fax (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

214
glt
8/15

10

SEP 16 2014

CHRISTOPHER D. RICH, Clerk
BY KATRINA CHRISTENSEN

GREG H. BOWER
Ada County Prosecuting Attorney

Kale D. Gans
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-0012188
Plaintiff,)	
vs.	)	FIRST SUPPLEMENTAL
	)	PRELIMINARY HEARING
WILLIAM SCOTT DEMINT,	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY AND OBJECTIONS
Defendant.)	
_____)	

COMES NOW, Kale D. Gans, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 81 through 118. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or

the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

- ☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.
- ☒ These documents are specifically identified in subsection 4A above in State's pages 89 through 111.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

- ☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.
- ☒ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

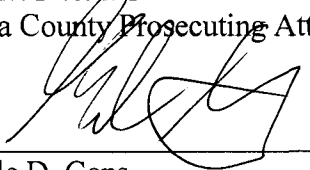
A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

- ☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.
- ☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.
- ☐ Other

RESPECTFULLY SUBMITTED this 15th day of September 2014.

GREG H. BOWER
Ada County Prosecuting Attorney

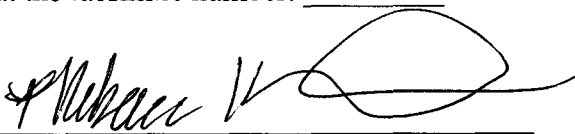

Kale D. Gans
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of September 2014, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Joseph Miller, 5223 W. Overland Rd. Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☒ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED 9/25/14 AT 9:11 M.
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY CAD
Deputy

STATE OF IDAHO,

Plaintiff,

vs.

William S. Demint
Defendant.

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number: FE-14-12188

Case Called: SMYSER for OTS 90733

☐ Ada ☐ Special K. Gans

PD Private J. Miller

Defendant: ☒ Present ☐ Not Present ☒ In Custody ☐ PD Appointed ☐ Waived Attorney

☒ Advised of Rights ☒ Waived Rights ☐ In Chambers ☐ Interpreter

☐ Bond \$ 500,000.00 ☐ Pre-Trial Release Order ☐ Motion for Bond Reduction Denied / Granted

☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☒ State / Defense / Mutual Request for Continuance

☐ State / Defense Objection / No Objection to Continuance

☒ Case continued to 10-24-14 at 8:30 am/pm for PTL

☐ Defendant Waives Preliminary Hearing ☐ Hearing Held ☐ Commitment Signed

☐ Case Bound Over to Judge _____ on _____ at _____ am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

I hereby certify that copies of this notice were served as follows:

Defendant: ☒ Hand Delivered ☐ Via Counsel Signature _____

Defense Atty: ☐ Hand Delivered ☐ Intdept Mail _____

Prosecutor: ☒ Hand Delivered ☐ Intdept Mail _____

By: CAD
Deputy Clerk

DATED 9/25/14

216
1971
10/24
830

NO. 10 FILED
A.M. _____ P.M. _____

OCT 22 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Kale D. Gans
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-0012188
Plaintiff,)	
vs.	)	SECOND SUPPLEMENTAL
	)	PRELIMINARY HEARING
WILLIAM SCOTT DEMINT,	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY AND OBJECTIONS
Defendant.)	
_____)	

COMES NOW, Kale D. Gans, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 119 through 124. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or

the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

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B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

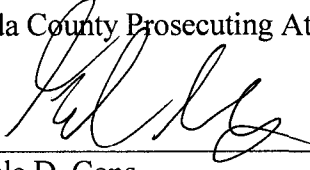
A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

- ☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.
- ☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.
- ☐ Other

RESPECTFULLY SUBMITTED this 21st day of October, 2014.

GREG H. BOWER
Ada County Prosecuting Attorney

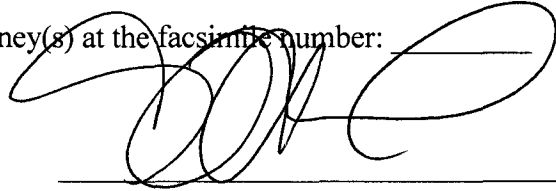

Kale D. Gans
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 21st day of October, 2014, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Joseph Miller, 515 S. 6th St, Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☒ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____

A handwritten signature in black ink, appearing to be "J. Miller", is written over a horizontal line.

OCT 22 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Kale D. Gans
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012188
)	
vs.	)	REQUEST FOR DISCOVERY
)	
WILLIAMS SCOTT DEMINT,)	
)	
Defendant.)	
_____)	

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

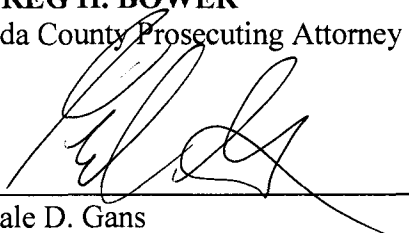
(4) Expert Witnesses:

The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 21st day of October, 2014.

GREG H. BOWER
Ada County Prosecuting Attorney



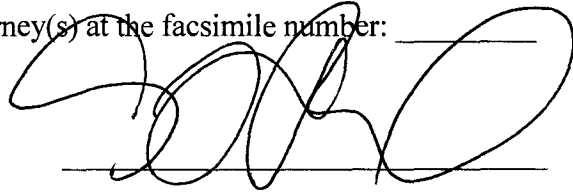
Kale D. Gans
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August 2014, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

Joseph Miller, 515 S. 6th St, Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☒ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____

A handwritten signature in black ink, consisting of a series of loops and flourishes, is written over a horizontal line.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED 10/24/14 AT 9:12 M.
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY C. H.
Deputy

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
William Scott DeMint)
Defendant.)

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number: FE14-12188
Case Called: Oths 90600
☒ Ada ☐ Special K. Gans
PD / Private J. Miller

Defendant: ☒ Present ☐ Not Present ☒ In Custody ☐ PD Appointed ☐ Waived Attorney
☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter
☐ Bond \$ 500,000 ☐ Pre-Trial Release Order ☐ Motion for Bond Reduction Denied / Granted
☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived
☐ State / Defense / Mutual Request for Continuance
☐ State / Defense Objection / No Objection to Continuance
☒ Case continued to 11-06-14 at 8:30 am/pm for PH
☐ Defendant Waives Preliminary Hearing ☐ Hearing Held ☐ Commitment Signed
☐ Case Bound Over to Judge on at am/pm
☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only
Consolidated w/ FE-14-121886

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

I hereby certify that copies of this notice were served as follows:

Defendant: ☒ Hand Delivered ☐ Via Counsel Signature [Signature]
Defense Atty: ☐ Hand Delivered ☐ Intdept Mail
Prosecutor: ☒ Hand Delivered ☐ Intdept Mail

By: C. H.
Deputy Clerk

DATED 10/24/14

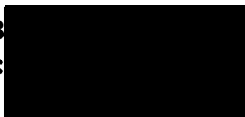
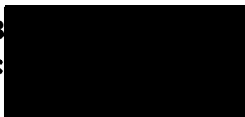
OCT 28 2014

CHRISTOPHER B. FLETCHER, Clerk
By **KATHA GILSON**
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Grand Jury No. 14-123
	)	ISTARS Case No. CR-FE-2014-0012188
vs.)	
	)	I N D I C T M E N T
WILLIAM SCOTT DEMINT,)	
	)	Defendant's DOB: 
	)	Defendant's SSN: 
Defendant.)	
)	

WILLIAM SCOTT DEMINT is accused by the Grand Jury of Ada County by this Indictment, of the crimes of: I. TRAFFICKING IN METHAMPHETAMINE, FELONY, I.C. §37-2732B(a)(4)(C), 18-204, II. POSSESSION OF DRUG PARAPHERNALIA WITH INTENT TO DELIVER, FELONY, I.C. §37-2734B, 18-204, III. UNLAWFUL POSSESSION OF A FIREARM, FELONY, I.C. §18-3316, IV. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c), 18-204, V. POSSESSION OF A CONTROLLED SUBSTANCE, MISDEMEANOR, I.C. §37-2732(c), 18-204, and VI. POSSESSION OF DRUG PARAPHERNALIA, MISDEMEANOR, I.C. §37-2734A, 18-204, committed as follows:

COUNT I

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did, along with another, possess and/or bring into the

State, methamphetamine, to-wit: four hundred (400) grams or more of methamphetamine, a Schedule II controlled substance, or of any mixture or substance containing a detectable amount of methamphetamine.

COUNT II

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did, along with another, possess with the intent to deliver, drug paraphernalia, to-wit: glass bongs, pipes and/or digital scales, knowing or under circumstances where one reasonably should know, that said paraphernalia would be used to ingest and/or analyze a controlled substance.

COUNT III

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did possess and/or have in his custody or control a firearm, to-wit: a Taurus 9mm handgun, knowing that he has been convicted of: Possession of Controlled Substance on March 20, 2007 in Ada County, Idaho and/or Attempted Aggravated Battery on June 6th, 1997 in Pinellas County, Florida, each a felony crime.

COUNT IV

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did, along with another, unlawfully possess a controlled substance, to-wit: Hydromorphone, a Schedule II controlled substance.

COUNT V

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did, along with another, unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I non-narcotic controlled substance.

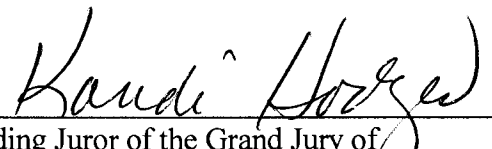
COUNT VI

That the Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of August, 2014, in the County of Ada, State of Idaho, did, along with another, possess with the intent to use, drug paraphernalia, to-wit: a scale and/or plastic baggies used to analyze and/or contain a controlled substance.

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

A TRUE BILL

Presented in open Court this 28 day of October 2014.



Presiding Juror of the Grand Jury of
Ada County, State of Idaho.

Names of Witnesses Examined

By the Grand Jury:

Kerry Russell
Det. James Roberson
Dep. Kevin Lunny
Det. Dave Anderson

OCT 28 2014

CHRISTOPHER D. RICH, Clerk
By COURTNEY PACKER
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT and
JOSHUA ALLEN THOMAS,

Defendants.

Case No. **CR-FE-2014-0012188**
CR-FE-2014-0015738

MOTION TO CONSOLIDATE

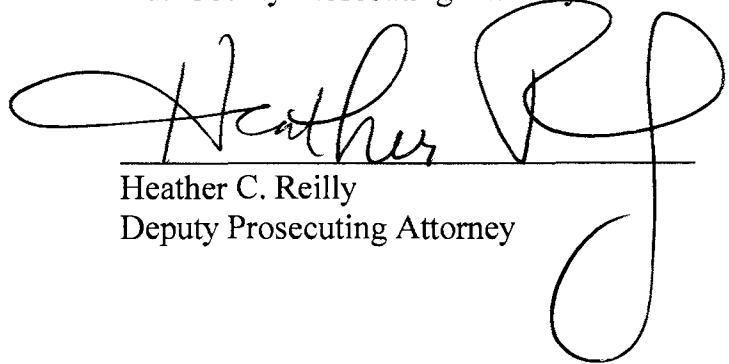
COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney in and for the State of Idaho, County of Ada, and hereby moves this Honorable Court in the above entitled matter for an Order pursuant to Rule 13 of the Idaho Criminal Rules of Practice and Procedure consolidating criminal case CR-FE-2014-0012188 with criminal case CR-FE-2014-0015738 on the grounds and for the reasons that the facts, evidence and witnesses are

the same in each case. An Order of consolidation would save witness and jury time and the expense for a separate and later trial.

DATED this 28 day of October 2014.

GREG H. BOWER

Ada County Prosecuting Attorney

A handwritten signature in black ink, appearing to read "Heather C. Reilly", written over a horizontal line. The signature is stylized with large loops and a long vertical stroke extending downwards.

Heather C. Reilly

Deputy Prosecuting Attorney

OCT 28 2014

CHRISTOPHER D. RICH, Clerk
By COURTNEY PACKER
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

WILLIAM SCOTT DEMINT and)
JOSHUA ALLEN THOMAS,)

Defendants.)
_____)

Case No. CR-FE-2014-0012188
CR-FE-2014-0015738

ORDER TO CONSOLIDATE

This Motion for Consolidation having come before me and good cause being shown,
IT IS HEREBY ORDERED AND THIS DOES ORDER that the Motion to
Consolidate be granted.

DATED this ~~24~~ day of October 2014.



Judge

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>9:18:48 AM</u>		St. v. William Demint Arraignment (Miller) CRFE14-12188 Cust
<u>9:18:52 AM</u>	Judge	calls case, def present in custody
<u>9:19:15 AM</u>	State	Heather Reilly
<u>9:19:20 AM</u>	Def Attny	Mr. Miller
<u>9:19:28 AM</u>	Judge	Arraigns defendant on charges.
<u>9:19:56 AM</u>		Ct advises Defendant of the possible penalties.
<u>9:19:59 AM</u>		True copy of Indictment. Waive reading. True Name.
<u>9:24:53 AM</u>	Miller	another pending felony case with Judge Norton
<u>9:25:04 AM</u>		working on global resolution
<u>9:25:20 AM</u>	Judge	EOP Dec 2 at 9am
<u>9:25:39 AM</u>	State	motion for info pt 2
<u>9:25:50 AM</u>		will put on hold depending on resolution
<u>9:26:00 AM</u>		end of case

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>9:22:53 AM</u>		St. v. William Demint Plea (Miller) Cust CRFE14-12188 Entry of
<u>9:22:56 AM</u>		St. v. Joshua Thomas Plea Cust CRFE14-15738 Entry of
<u>9:23:06 AM</u>	Judge	calls cases, defendants present in custody with their counsel
<u>9:23:21 AM</u>	State	Heather Reilly
<u>9:23:26 AM</u>	PD	Owens for Thomas
<u>9:23:36 AM</u>	Def Attny	Miller for Demint
<u>9:23:44 AM</u>	Miller	will plead NG
<u>9:23:50 AM</u>	Owens	NG plea
<u>9:23:57 AM</u>	State	3 days
<u>9:24:03 AM</u>	Judge	when?
<u>9:24:17 AM</u>	Miller	think 4 actually
<u>9:25:30 AM</u>	Judge	JT March 30th, PTC March 17 at 9am; Status March 10 at 2pm
<u>9:26:04 AM</u>		suppression Feb 25th at 3pm
<u>9:27:57 AM</u>		Demint back next week for arraignment on info pt 2 12/9 at 9am
<u>9:29:56 AM</u>		end of case

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED	12/2/14	AT	9a	M.
CHRISTOPHER D. RICH CLERK OF THE DISTRICT COURT				
BY	E. Chiles			Deputy Clerk

THE STATE OF IDAHO,

Plaintiff,

Case No. CR- FE- 14- 12188

VS.

**ORDER GOVERNING FURTHER
CRIMINAL PROCEEDINGS AND
NOTICE OF TRIAL SETTING**

William Demint,

Defendant.

IT IS HEREBY ORDERED as follows:

- (1) Compliance date for discovery is set on or before Jan 31, 20 15.
- (2) Status conference will be held on March 16, 20 15 at 2 p.m. wherein defendant(s) must be personally present in court.
- (3) Pretrial conference will be held on March 17, 20 15 at 3 p.m. wherein defendant(s) must be personally present in court.
- (4) Jury trial will be held on March 30, 20 15 at 9 a.m. and shall be scheduled for 4 days. The order of the jury panel will be drawn by lot the afternoon before the day of trial in chambers. Counsel may be present for the drawing of the names.
- (5) Notice is hereby given, pursuant to Rule 25(a)(6), I.C.R. that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. G.D. Carey	Hon. W.H. Woodland	Hon. Dennis Goff	Hon. Ronald Wilper
Hon. Daniel C. Hurlbutt, Jr.	Hon. James Judd	Hon. Duff McKee	Hon. Renee Hoff
Hon. Michael McLaughlin	Hon. Gerald Schroeder	Hon. Kathryn Sticklen	
Hon. Darla Williamson	Hon. Gregory M. Culet	Hon. James Morfitt	

ALL SITTING FOURTH DISTRICT JUDGES

- (6) Defendant shall file all pretrial motions governed by Rule 12 of the Idaho Criminal Rules no later than fourteen (14) days after the compliance date set for discovery or otherwise show good cause, upon formal motion, why such time limits should be extended. All such motions must be brought on for hearing within fourteen (14) days after filing or forty-eight (48) hours before trial, whichever is earlier. All motions *in limine* shall be in writing and filed no later than five (5) days prior to the pretrial conference. All Motions to Suppress Evidence must be accompanied by a brief setting forth the factual basis and legal basis for the suppression of evidence.

IT IS SO ORDERED this

2nd

day of

December

20 14

Defendant's Signature

STEVEN J. HIPPLER
District Judge

cc: Hand delivered to Defendant and Counsel

Time	Speaker	Note
<u>9:35:47 AM</u>		St. v. William Demint CRFE14-12188 Info Pt 2 (Miller) Cust
<u>9:35:48 AM</u>	Judge	calls case, def present in custody
<u>9:35:56 AM</u>	State	Shelley Akamatsu
<u>9:36:04 AM</u>	Def Attny	Joseph Miller
<u>9:36:12 AM</u>	Judge	here for info pt 2
<u>9:36:29 AM</u>	Miller	no basis for objection
<u>9:36:34 AM</u>	Judge	state may file it's information pt 2
<u>9:36:50 AM</u>	Judge	Arragin defendant on information pt 2
<u>9:37:09 AM</u>		Ct advises Defendant of the possible penalties.
<u>9:41:32 AM</u>	Defendant	understand
<u>9:41:44 AM</u>	Judge	True copy of information. Waive reading. True Name.
<u>9:42:07 AM</u>	Miller	NG to info pt 2
<u>9:42:21 AM</u>	Judge	we'll proceed to trial
<u>9:42:27 AM</u>		end of case

A.M.

9:40

DEC 09 2014

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Heather C. Reilly

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702-5954

Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

**MOTION FOR LEAVE TO FILE
INFORMATION
PART II**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho and moves this Court for its order allowing the State to file an Information, Part II, in the above-matter based on what the State believes is the defendant's prior record as set out below.

I.

That the defendant, WILLIAM SCOTT DEMINT, was convicted of the crime of Possession of a Controlled Substance, Felony, on or about the 20th day of March 2007.

And/or,

II.

That the defendant, WILLIAM SCOTT DEMINT, was convicted of the crime of Attempted Aggravated Battery, Felony, on or about the 6th day of June 1997.

MOTION FOR LEAVE TO FILE INFORMATION PART II (DEMINT), Page 1

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**And/or,
III.**

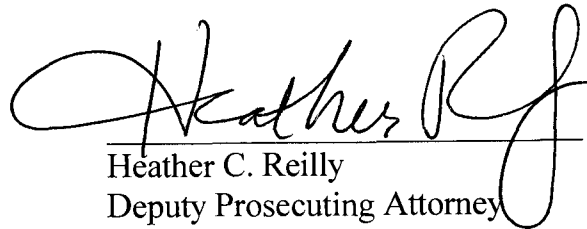
That the defendant, WILLIAM SCOTT DEMINT, was convicted of the crime of Burglary, Felony, on or about the 9th day of March 1992.

The State's information as to the defendant's prior record is based on a state or national records check.

RESPECTFULLY SUBMITTED this 17th day of November 2014.

GREG H. BOWER

Ada County Prosecuting Attorney



Heather C. Reilly
Deputy Prosecuting Attorney

DEC 09 2014

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012188
)	
vs.	)	INFORMATION
)	
WILLIAM SCOTT DEMINT,	)	PART II
)	
Defendant.	)	DOB [REDACTED]
	)	SSN: [REDACTED]

GREG H. BOWER, Prosecuting Attorney in and for the County of Ada, State of Idaho, who, in the name of and by the authority of said State, prosecutes in its behalf, in proper person, comes now before the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, and given the Court to understand and to be further informed that, as PART II of the Information on file herein, the Defendant, WILLIAM SCOTT DEMINT, is a PERSISTENT VIOLATOR OF THE LAW, in that the Defendant has heretofore been convicted of two or more of the following felonies, to-wit: I. POSSESSION OF A CONTROLLED SUBSTANCE, CASE NO. H0700072, II.

EU

ATTEMPTED AGGRAVATED BATTERY, FELONY, CASE NO. CRC96-23077
CFANO-M and III. BURGLARY, FELONY, CASE NO. CRC91-21271 CFABO-B.

I.

That the said Defendant, WILLIAM SCOTT DEMINT, on or about the 20th day of March 2007, was convicted of the crime of Possession of a Controlled Substance, a FELONY, in the County of Ada, State of Idaho, by virtue of that certain Judgment of Conviction made and entered by Honorable Judge Ronald Wilper in case number H0700072.

and/or,

II.

That the said Defendant, WILLIAM SCOTT DEMINT, on or about the 6th day of June 1997, was convicted of the crime of Attempted Aggravated Battery, a FELONY, in the County of Pinellas, State of Florida, by virtue of that certain Judgment of Conviction made and entered in case number CRC96-23077 CFANO-M.

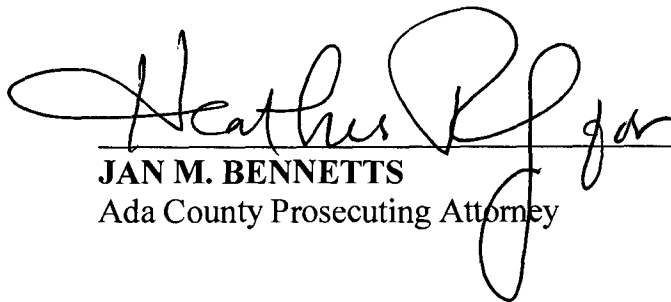
and/or,

III.

That the said Defendant, WILLIAM SCOTT DEMINT, on or about the 9th day of March 1992, was convicted of the crime of Burglary, a FELONY, in the County of Pinellas, State of Florida, by virtue of that certain Judgment of Conviction made and entered in case number CRC91-21271 CFABO-B.

WHEREFORE, the said Defendant, having been convicted previously of two (2) or more felonies, should be considered a persistent violator of the law, and should be sentenced accordingly pursuant to Idaho Code §19-2514, upon conviction of the charge(s) contained in PART I of the Information.

DATED This 8th day of December 2014.


JAN M. BENNETTS
Ada County Prosecuting Attorney

NO. _____
A.M. _____ FILED P.M. _____

DEC 12 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

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Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
P.O. Box 1743
Boise, ID 83701-1743
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)

Plaintiff,)

vs.)

WILLIAM SCOTT DEMINT,)

Defendant,)

Case No. CR-FE-2014-12188

**MOTION FOR PREPARATION
OF GRAND JURY TRANSCRIPT**

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and moves this court, pursuant to I.C. § 19-1309 and I.C.R. 6.3, for an order for the preparation of a transcript of the Grand Jury proceedings in this case and make such transcript available to the Defendant and his attorney. Said Grand Jury transcript is necessary for the representation and defense of the Defendant.

WHEREFORE, Defendant prays that this court will order the preparation of the Grand Jury transcript and make it available to the Defendant.

Oral argument is requested if deemed necessary by the court.

DATED this 12th day of December, 2014.

MAUK MILLER & BURGOYNE, LLC

Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 2014, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph E. Miller

DEC 18 2014

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,

vs.

WILLIAM SCOTT DEMINT,
Defendant.

Case No. CR-FE-2014-0012188

**ORDER FOR GRAND JURY
TRANSCRIPT**

Based upon the motion of the defendant and pursuant to the requirements of Idaho Criminal Rules 6 and 16, this Court hereby orders that a typewritten transcript of the testimony of those witnesses appearing before the grand jury, and the grand jury proceedings in the above-entitled matter shall be prepared for use by both defense counsel and the prosecuting attorney as soon as possible. Said transcript shall be prepared as the cost of Ada County.

The Transcription Department is directed to make a physical recording of the proceedings available to a certified court reporter for transcribing. Upon receipt of its estimated fees as provided for in the case of transcripts for preliminary hearings, the Transcription Department shall have prepared and delivered to the Court a sealed typewritten original transcript and two sealed copies. Each sealed copy of the grand jury transcript shall be made available by the Court to both defense counsel and the prosecuting attorney.

Upon application of the prosecuting attorney, and good cause shown, the Court may direct that the transcript be edited and cause to be deleted any material in the transcript which does not pertain to the instant proceeding and which is part of other, on-going investigation not relevant to the instant proceedings, any identification of individual grand jury members, and any comments by grand jury members other than comments which are part of specific questions of witnesses.

Copies of said transcript, with a notation of the nature, but not the content, of any redaction, will be made available to both defense counsel and the prosecuting attorney by the Court.

All such transcripts of grand jury testimony are to be used exclusively by the prosecutor

EC
cc: PA/A°/TCA/Rae

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and defense counsel in their preparation for this case, and for no other purpose. None of the material may be copied or disclosed to any other person other than the prosecutor and defense counsel without specific authorization by the Court. However, authorization is hereby granted to permit disclosure of the transcript of grand jury testimony to associates and staff assistants to both defense counsel and the prosecuting attorney, who agree to be bound by this order, and only in connection with the preparation of this case. Counsel may discuss the contents of the transcript with their respective clients, but may not release the transcript themselves. The defendant, defense counsel, and the prosecutor shall be allowed to review the entire grand jury transcript. In addition, a witness who testimony was given during grand jury proceedings may review the typed portion of the transcript which contains their specific testimony only.

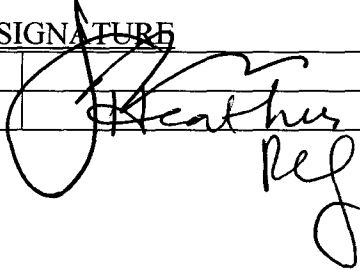
Violation of any provisions of this order shall be considered a contempt. Each counsel receiving such transcript from the Court shall endorse a copy of this order acknowledging that each such counsel is aware of the terms thereof, and agreeing to be bound hereby.

IT IS SO ORDERED.

DATED this 18th day of December, 2014.


Steven Hippler
District Judge

By signature, the undersigned acknowledges their familiarity with the terms of the foregoing order, and agrees to comply herewith.

<u>DATE</u>	<u>SIGNATURE</u>	<u>OFFICE</u>
1-30-15		Mark Miller & Burgoyne, LLC
1-30-15	Heather Ref	ACPU

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NO. _____ FILED _____
A.M. _____ P.M. 1:00

DEC 29 2014

CHRISTOPHER D. RICH, Clerk
By RAE ANN NIXON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. CRFE-2014- 0012188
)	
WILLIAM S. DEMINT,	)	ESTIMATED COST OF
	)	TRANSCRIPT
Defendant.)	
_____)	

An Order for transcript was filed in the above-entitled matter on **December 18, 2014**, and a copy of said Order was received by the Transcription Department on **December 26, 2014**. I certify the estimated cost of preparation of the transcript to be:

Type of Hearing: Grand Jury
Date of Hearing: October 28, 2014 Judge: Steven Hippler

22 Pages x \$3.25 = \$71.50 = 30 Day Preparation
22 Pages x \$3.75 = \$82.50 = 14 Day Expedited Preparation

The Transcription Department will prepare the transcript and file it with the Clerk of the District Court within thirty-five (35) days (or expedited days) from the date payment is received. The transcriber may make application to the District Judge for an extension of time in which to prepare the transcript.

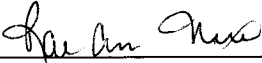
Please make checks payable to: **CHRISTIE VALCICH**, and mail or deliver to the **Fourth District Court, Transcription Department, 200 West Front Street, Room 4172, Boise, Idaho, 83702.**

Dated this 29TH day of December, 2014. *Rae Ann Nixon*
RAE ANN NIXON
Transcript Coordinator

CERTIFICATE OF MAILING

I certify that on this 29TH day of December, 2014, a true and correct copy of the Estimated Cost of Transcript was forwarded to Defendant's attorney of record, by first class mail, at:

JOSEPH MILLER
ATTORNEY AT LAW
POST OFFICE BOX 1743
BOISE ID 83701



RAE ANN NIXON
Transcript Coordinator

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NO. 900 FILED
A.M. 9 P.M.

JAN 13 2015

CHRISTOPHER L. RICH, Clerk
By RAE ANN NIXON
DEPUTY

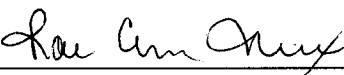
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,)	
	)	Case No. CRFE-2014- 0012188
vs.)	
	)	NOTICE OF PAYMENT OF
WILLIAM S. DEMINT,	)	ESTIMATED COST OF GRAND
	)	JURY TRANSCRIPT
Defendant.)	
_____)	

I hereby certify that the estimated cost of transcript in the above-entitled matter has been paid to the court on January 9, 2015.

Said transcript will be filed with the Clerk of the District Court on or before thirty (30) days (or expedited days) from date of this notice.

Dated this 9th day of January, 2015.



RAE ANN NIXON
Ada County Transcript Coordinator

NOTICE OF PAYMENT OF ESTIMATED COST OF TRANSCRIPT

MO

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JAN 30 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Id. 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

WILLIAM SCOTT DEMINT,)

Defendant.)

Case No. CR-FE-2014-0012188

REQUEST FOR DISCOVERY

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

MD

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Expert Witnesses:

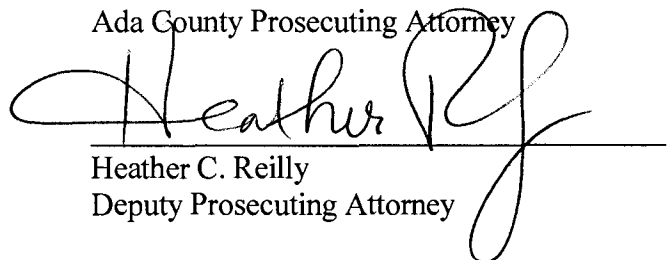
The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 30 day of January 2015.

JAN M. BENNETTS

Ada County Prosecuting Attorney

A handwritten signature in black ink, appearing to read "Heather C. Reilly", is written over a horizontal line. The signature is fluid and cursive.

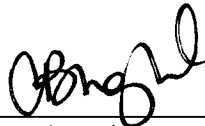
Heather C. Reilly
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 30 day of January 2015, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

Joseph C. Miller, PO Box 1743, Boise, ID 83701

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☒ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____



Legal Assistant

JAN 30 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

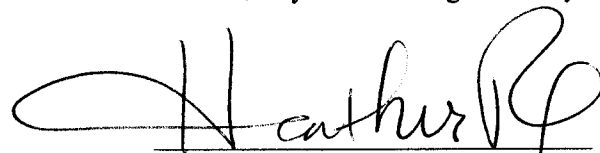
Case No. CR-FE-2014-0012188

**DISCOVERY
RESPONSE TO COURT**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and informs the Court that the State has complied with the Defendant's Request for Discovery.

RESPECTFULLY SUBMITTED this 30 day of January 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

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NO. _____
FILED _____
A.M. _____ P.M. _____

FEB - 5 2015

JAN M. BENNETTS
Ada County Prosecuting Attorney

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

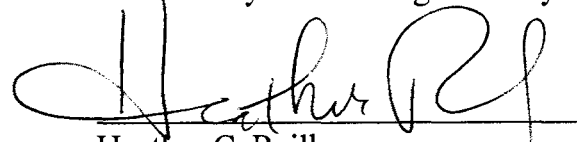
Case No. CR-FE-2014-0012188

**ADDENDUM TO DISCOVERY
RESPONSE
TO COURT**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 5th day of February 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

a

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A.M. 11 P.M. 30

FEB - 6 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

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M

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th St.
Boise, ID 83705
Tel: (208) 287-8787
Fax: (208) 287-8788
e-mail: office@idahojustice.com
ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE- ²⁰¹⁴ 2015 -12188
Plaintiff,)	
	)	MOTION TO EXCLUDE
vs.	)	EVIDENCE
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	

TO: DISTRICT JUDGE STEVEN HIPPLER

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and moves this court pursuant to I.R.E. 104(a) and I.C.R. 12(b) for an order excluding any and all evidence obtained by the police in this matter following the stop of Defendant on August 20, 2014. Defendant bases his motion on the following grounds:

1. Defendant contends that the stop by law enforcement was invalid and therefore all evidence obtained following the stop should be deemed inadmissible pursuant to the exclusionary rule.
2. Defendant contends the warrantless search of his vehicle on that day was unreasonable and in violation of his rights under the Fourth Amendment to the Constitution of the United States and under Article I, § 17 of the Idaho Constitution. Defendant further contends that the search was not performed pursuant to any recognized exception to the warrant requirement and therefore all evidence obtained in the unreasonable search must be deemed inadmissible.

SW MOTION TO EXCLUDE EVIDENCE - 1 of 3

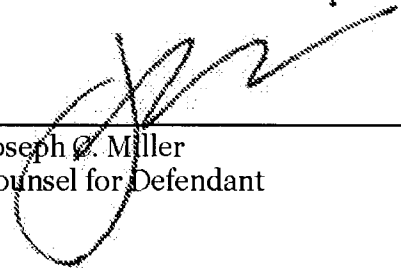
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This motion is based upon the entire record in this matter and such further documentary and testimonial evidence as may be presented at the hearing and as may be submitted in brief or memo form in support of the motion.

Oral argument on the motion is requested

DATED this 6th day of February, 2015.

MAUK MILLER & BURGOYNE, LLC



Joseph Q. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 2015., I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

NO. _____ FILED _____
 A.M. _____ P.M. _____

FEB 06 2015

CHRISTOPHER D. RICH, Clerk
 By AMY LANG
 DEPUTY

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Joseph C. Miller
 MAUK MILLER & BURGOYNE, LLC
 515 S. 6th St.
 Boise, ID 83705
 Tel: (208) 287-8787
 Fax: (208) 287-8788
 e-mail: office@idahojustice.com
 ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2015-12188
Plaintiff,)	
	)	MOTION TO ENLARGE TIME
vs.	)	FOR FILING PRE-TRIAL
	)	MOTIONS
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel and moves this court, pursuant to Idaho Criminal Rules, Rule 1 and Rule 12(d), for its order enlarging the time for filing of pre-trial motions until twenty-eight (28) days following the State's complete compliance with its discovery obligations.

This motion is based on the fact that the 28-day rule of the Idaho Criminal Rules, Rule 12(d), has generally been formulated to apply in felony cases after discovery has been fully completed. It is Defendant's understanding that Discovery is ongoing in this case. The State made its most recent discovery disclosure on January 30, 2015, and Defendant is filing a specific request for additional discovery today.

The requested extension of time will allow Defendant to determine whether Rule 12 motions are needed in the above-entitled action.

DATED this 6th day of February, 2015.

MAUK MILLER & BURGOYNE, LLC

Joseph C. Miller
 Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 2015., I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

NO. _____ FILED _____
A.M. _____ P.M. *4/25*

FEB 06 2015

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th St.
Boise, ID 83702
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	DEFENDANT'S SECOND
vs.	)	DISCOVERY REQUEST
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and, pursuant to I.C.R. 16, hereby requests discovery and inspection of all materials discoverable per I.C.R. 16 b (1-8), including but not limited to, the following:

1. **Inventory Procedures and Criteria.** Copies, in any form, of any established procedures or standardized criteria adopted, promulgated, followed or used by any law enforcement agency involved in the investigation or prosecution of this case for initiating or completing an inventory of a vehicle.
2. **Warrants.** Copies of any warrants sought and obtained by any law enforcement officer or agent related to any issue in this case.
3. **Confidential Informant.** The content of any information supplied by any confidential informant to any law enforcement officer that had anything to do with any investigation related in any way to this case. This request does not seek any information

concerning the identity or contact information of the confidential informant, only the information supplied by said informant, should any exist in this case.

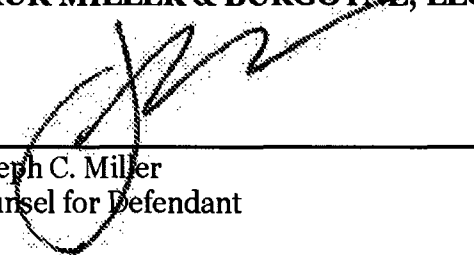
4. **Brady Material.** All exculpatory evidence favorable to the Defendant which is material either to guilt or punishment. *Brady v. Maryland*, 373 U.S. 83 (1963).

The Defendant further requests this information, evidence and material, or permission to inspect and copy the information, evidence and materials, within FOURTEEN (14) days, unless it is given sooner.

The Defendant reserves the right to make request for such other and additional discovery as may be determined at a later date.

DATED this 6th day of February, 2015.

MAUK MILLER & BURGOYNE, LLC



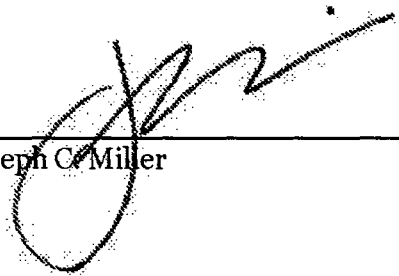
Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W Front St., Rm. 3191
Boise, ID 83702
Fax (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

BY:

E. Child
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

NOTICE OF HEARING

APPEARANCES:

Heather Reilly
Ada County Prosecutor
INTERDEPARTMENTAL MAIL

Joseph C Miller
Attorney at Law
PO Box 1743
Boise ID 83701-1743

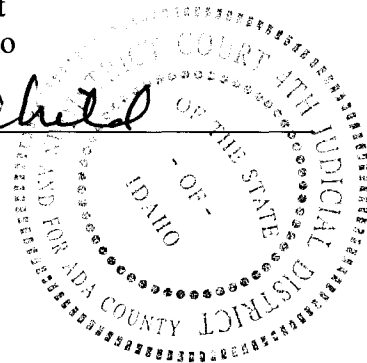
PLEASE TAKE NOTICE That the Honorable Steven Hippler, District Judge, has set this matter for hearing for a **Motion to Enlarge Time for Pretrial Motions hearing on Tuesday, February 24, 2015 at 02:00 PM** at the Ada County Courthouse, 200 West Front Street, Boise, Id.

Christopher D. Rich
Clerk of the Court
Ada County, Idaho

By:

E. Child
Deputy Clerk

CC: Counsel/ mll
Notice of Hearing



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A.M. _____ P.M. _____

FEB 17 2015

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
WILLIAM SCOTT DEMINT,)
)
Defendant.)
_____)

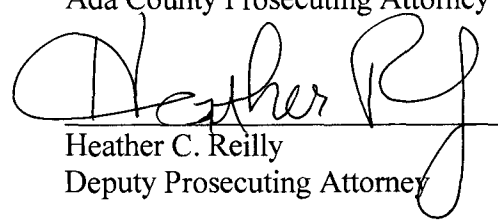
Case No. CR-FE-2014-0012188

**STATE'S RESPONSE TO
DEFENDANT'S SECOND
REQUEST FOR DISCOVERY
TO COURT**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and informs the Court that the State has complied with the Defendant's Second Request for Discovery.

RESPECTFULLY SUBMITTED this 13 day of February 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

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NO. _____ FILED _____
A.M. _____ P.M. _____

FEB 20 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th St.
Boise, ID 83702
Tel: (208) 287-8787
Fax: (208) 287-8788
e-mail: office@idahojustice.com
ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	MOTION TO ENROLL IN ABC /
vs.	)	SAP CLASSES WHILE IN
	)	CUSTODY
WILLIAM SCOTT DEMINT,)	
)	
Defendant,)	
)	

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and moves this court for an order to allow the Defendant to enroll in ABC / SAP classes at the state's expense while in custody. The Defendant has no felony assault or violent crimes in his past, no active No Contact Orders, has demonstrated good behavior while in custody, and has enough time remaining before trial to complete the classes in keeping with the requirements for the courses. Further, Defendant is indigent and cannot afford to pay for the classes.

WHEREFORE, Defendant prays that this court will issue an order allowing the Defendant to enroll in ABC / SAP classes while in custody.

Oral argument is requested if deemed necessary by the court.

DATED this 20th day of February, 2015.

MAUK MILLER & BURGOYNE, LLC

Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
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Joseph C. Miller

NO.

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A.M.

P.M.

FEB 20 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

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Joseph C. Miller, ISBN 7485
MAUK MILLER & BURGOYNE, LLC
515 S. 6th St.
Boise, ID 83702
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	DEFENDANT'S THIRD
vs.	)	DISCOVERY REQUEST
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and, pursuant to I.C.R. 16, hereby requests discovery and inspection of all materials discoverable per I.C.R. 16 b (1-8), including but not limited to, the following:

1. **Inventory List.** Copies, in any form, of any inventory lists and/or lists of all inventory or items found in and/or seized from Defendant's vehicle as part of the stop, arrest, and investigation in this matter, pursuant to the Ada County Sheriff's inventory procedures.

The Defendant further requests this information, evidence and material, or permission to inspect and copy the information, evidence and materials, within FOURTEEN (14) days, unless it is given sooner. The Defendant reserves the right to make request for such other and additional discovery as may be determined at a later date.

DATED this 20th day of February, 2015.

MAUK MILLER & BURGOYNE, LLC

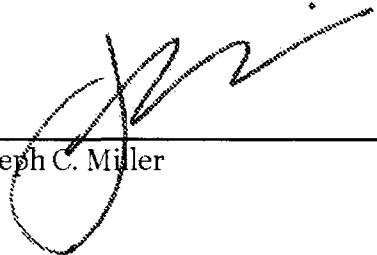
Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W Front St., Rm. 3191
Boise, ID 83702
Fax (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

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A.M. _____ P.M. _____

FEB 24 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

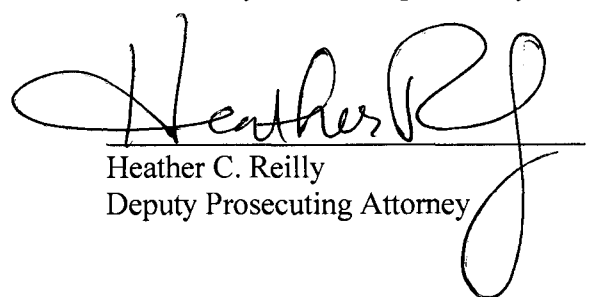
THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
WILLIAM SCOTT DEMINT,)
)
Defendant.)

Case No. CR-FE-2014-0012188
SECOND ADDENDUM TO
DISCOVERY RESPONSE
TO COURT

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted a Second Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 23 day of February 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

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FEB 24 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

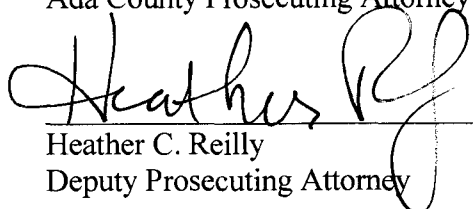
Case No. CR-FE-2014-0012188

**STATE'S RESPONSE TO
DEFENDANT'S THIRD
REQUEST FOR DISCOVERY
TO COURT**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and informs the Court that the State has complied with the Defendant's Third Request for Discovery.

RESPECTFULLY SUBMITTED this 23 day of February 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

Time	Speaker	Note
<u>2:16:41 PM</u>		St. v. William Demint Exclude Evidence CRFE14-12188 Cust (Miller)
<u>2:16:44 PM</u>	Judge	calls case, def present in custody
<u>2:16:50 PM</u>	State	Heather Reilly
<u>2:16:54 PM</u>	Def Attny	Joseph Miller
<u>2:17:00 PM</u>	Judge	
<u>2:17:55 PM</u>	Miller	we always file that order to cover our bases
<u>2:18:05 PM</u>	Judge	motion to enlarge hasn't been noticed for hearing
<u>2:18:17 PM</u>	State	he filed motion to exclude evidence
<u>2:18:31 PM</u>		there's no memorandum though
<u>2:18:38 PM</u>	Judge	what's the alleged deficiency
<u>2:18:46 PM</u>	Miller	we didn't file brief
<u>2:18:53 PM</u>		believe it's in the motion
<u>2:18:59 PM</u>		a 4th amendment violated
<u>2:19:06 PM</u>	Judge	the rule
<u>2:19:12 PM</u>		the state to be on notice of what witnesses to bring
<u>2:19:30 PM</u>	Miller	well, the witnesses at the scene
<u>2:19:37 PM</u>	Judge	reminder of rule
<u>2:19:53 PM</u>		what is the allegation?
<u>2:19:58 PM</u>	Miller	pulled over for speeding, did search without warrant; K-9 officer was there and alerted on cab of pickup
<u>2:20:23 PM</u>		they searched entire pickup
<u>2:20:33 PM</u>		claiming 4th amendment violations
<u>2:20:39 PM</u>	Judge	no probable cause?
<u>2:20:53 PM</u>	Miller	not a prolonging of the stop
<u>2:21:12 PM</u>		the K-9 alerted to cab, but not the bed of the truck
<u>2:21:25 PM</u>		without warrant, didn't have probable cause to search bed of truck
<u>2:21:38 PM</u>	State	would object to failure to comply with rule
<u>2:21:47 PM</u>		places state in a position
<u>2:21:58 PM</u>		the co-defendant filed a memorandum in support of his motion to suppress
<u>2:22:11 PM</u>		it's a similar argument, not first time of this claim
<u>2:22:52 PM</u>		there is a disadvantage
<u>2:22:58 PM</u>		I was preparing to co-defendants memorandum, as I'm required to do so
<u>2:23:23 PM</u>	Judge	would your brief be a "me too?"
<u>2:23:36 PM</u>	Miller	haven't seen that brief
<u>2:23:41 PM</u>		if additional issues, not sure
<u>2:24:01 PM</u>	State	if he has additional issues, how would we be prepared
<u>2:24:19 PM</u>	Judge	will allow this co-defendant to join
<u>2:24:28 PM</u>		if other issues raised, we'll need to come back another day

<u>2:25:24 PM</u>	State	will file tomorrow morning
<u>2:26:26 PM</u>	Judge	haven't sign order for programs, not inclined to use county's money for that yet
<u>2:27:04 PM</u>		end of case

Time	Speaker	Note
<u>3:06:08 PM</u>		St. v. William Demint Suppression CRFE14-12188 Cust (Miller)
<u>3:06:13 PM</u>		St. v. Joshua Thomas Suppression CRFE14-15738 Cust
<u>3:06:15 PM</u>	Judge	calls cases, defendants present in custody
<u>3:06:24 PM</u>	State	Heather Reilly and Edwina Wager
<u>3:06:33 PM</u>	PD	Nicole Owens
<u>3:06:38 PM</u>	Def Attny	Joseph Miller
<u>3:07:00 PM</u>	Judge	this is defendant's motion to suppress
<u>3:07:11 PM</u>	State	not aware of any evidence presented, no testimonial evidence
<u>3:07:44 PM</u>		a car stop, K-9 alert
<u>3:07:55 PM</u>		don't intend to call witnesses
<u>3:07:59 PM</u>		not at this time
<u>3:08:43 PM</u>	PD	just trying to decide who goes first
<u>3:08:51 PM</u>	Miller	call my client to the stand
<u>3:09:23 PM</u>	Demint	Sworn
<u>3:09:36 PM</u>	Miller	Direct exam
<u>3:09:47 PM</u>	Demint	William Scott Demint
<u>3:10:35 PM</u>		was travelling westbound on I-84
<u>3:10:51 PM</u>		police officer behind me, I pulled into right lane to let him go by
<u>3:11:05 PM</u>		thought he'd go by me
<u>3:11:12 PM</u>		coming into Boise
<u>3:11:16 PM</u>		driving my pickup
<u>3:12:31 PM</u>		passed a police vehicle that had someone pulled over
<u>3:12:48 PM</u>		switched to left lane to give room
<u>3:12:56 PM</u>		then saw officer behind me
<u>3:13:16 PM</u>		I drive for a living
<u>3:13:20 PM</u>		left lane is for speeders
<u>3:14:08 PM</u>		signaled
<u>3:15:45 PM</u>		pulled over before construction zone
<u>3:16:12 PM</u>		going 68, limit was 70
<u>3:16:52 PM</u>	Miller	have photo to show witness from discovery
<u>3:17:07 PM</u>	State	it's actually 4 pictures on one piece of paper
<u>3:17:21 PM</u>	Miller	just going to refer to picture in upper left corner
<u>3:17:42 PM</u>	Demint	not present
<u>3:17:53 PM</u>		recognizes, the bed of my pickup with everything open
<u>3:18:19 PM</u>		cones, the way they're spaced
<u>3:18:42 PM</u>		if I was in construction zone, there would be another cone
<u>3:19:04 PM</u>		Lowery is arresting officer
<u>3:19:10 PM</u>	Miller	move to admit as Def Ex 1, only referencing upper left

<u>3:19:40 PM</u>	Judge	any objection
<u>3:19:46 PM</u>	State	no
<u>3:20:19 PM</u>	Judge	it will be admitted as Def Ex 1
<u>3:21:18 PM</u>	Demint	completely false
<u>3:21:31 PM</u>		Lowery came up to passenger side
<u>3:21:50 PM</u>		I handed my license and registration
<u>3:22:08 PM</u>		I was the driver
<u>3:22:34 PM</u>		never came to drivers door
<u>3:22:40 PM</u>		1998 Ford pickup
<u>3:22:43 PM</u>		extended cab
<u>3:22:49 PM</u>		2 windows in front, 2 windows in back but only pop open; windows were up, it was cold
<u>3:23:34 PM</u>		told him I didn't have a copy of my insurance; had just changed, I didn't have them printed; couldn't get them up on my phone
<u>3:23:57 PM</u>		he said I was speeding and I didn't use my blinker
<u>3:24:11 PM</u>		said I was keeping up with traffic
<u>3:24:42 PM</u>		didn't admit to speeding
<u>3:24:46 PM</u>		may have apologized for his time, but not for speeding
<u>3:25:02 PM</u>		don't recall
<u>3:25:18 PM</u>		he got Josh's ID, asked me to exit vehicle
<u>3:25:30 PM</u>		allowed him to pat search me; there was nothing on me
<u>3:25:42 PM</u>		I was nervous
<u>3:26:22 PM</u>		he had left Josh in vehicle
<u>3:26:27 PM</u>		he went to get Josh, then we're both at rear of vehicle
<u>3:26:41 PM</u>		they contact dispatch; 11 minutes an 30 seconds
<u>3:26:58 PM</u>		watched audio
<u>3:27:26 PM</u>		he got the dog out
<u>3:27:30 PM</u>		the license cleared
<u>3:27:39 PM</u>		he didn't ask to search
<u>3:27:46 PM</u>		didn't offer consent
<u>3:28:08 PM</u>		Lowery with drug dog
<u>3:28:21 PM</u>	State	could we have a question?
<u>3:28:39 PM</u>	Demint	he said the window was open
<u>3:28:48 PM</u>		opened the door
<u>3:28:52 PM</u>		the dog put his head in and didn't alert
<u>3:29:03 PM</u>		at passenger side he put dogs nose in the grass to rub; then put the dog away
<u>3:29:23 PM</u>		standing at rear of vehicle, leaning on his vehicle
<u>3:30:00 PM</u>		ran dog up side at rear corner and up drivers side
<u>3:30:30 PM</u>		dog went a little wiggley
<u>3:30:35 PM</u>		he opened the door
<u>3:30:40 PM</u>		let dog put it's head in

<u>3:30:47 PM</u>		couldn't see well
<u>3:30:52 PM</u>		pulled dog out and closed door
<u>3:30:59 PM</u>		went around front
<u>3:31:05 PM</u>	State	is attorney testifying
<u>3:31:16 PM</u>	Demint	went around front, to grass, then passenger side
<u>3:31:30 PM</u>		he didn't open door
<u>3:31:52 PM</u>		dog didn't alert on passenger side
<u>3:32:02 PM</u>		he put dog away
<u>3:32:43 PM</u>		describes camper shell on his truck, covers entire bed, windows; sides are dark
<u>3:33:08 PM</u>		back window not tinted
<u>3:33:17 PM</u>		has a hatch
<u>3:33:32 PM</u>		it latches but doesn't lock
<u>3:33:46 PM</u>		closed
<u>3:33:49 PM</u>		closed
<u>3:34:15 PM</u>		there the whole time talking to Officer Clifford
<u>3:34:45 PM</u>		that's false
<u>3:35:01 PM</u>		Lowery started searching the bed of my truck
<u>3:35:10 PM</u>		didn't ask, didn't give consent
<u>3:35:16 PM</u>		he opened it
<u>3:35:20 PM</u>		I didn't say anything
<u>3:36:29 PM</u>		told them there were no drugs, then they searched
<u>3:36:44 PM</u>		never attempted to search cab of truck
<u>3:36:56 PM</u>		went to green box and bag
<u>3:37:16 PM</u>		Clifford was standing with us
<u>3:37:20 PM</u>		Lowery was searching
<u>3:38:53 PM</u>		describes first aid kit, military grade; of steel; latching lid; no lock; waterproof and air tight
<u>3:40:04 PM</u>	State	asked and answered
<u>3:40:09 PM</u>	Judge	think I get that it's solid
<u>3:40:24 PM</u>	Demint	the insignia for first aid kit
<u>3:41:25 PM</u>	Miller	ask for that to be Def Ex 2
<u>3:41:51 PM</u>	Judge	it's in the bottom left
<u>3:42:08 PM</u>	Miller	can I have that shown to witness again
<u>3:42:33 PM</u>	Demint	identifies the box
<u>3:46:00 PM</u>	Miller	move to admit 0006 and 0007 admitted as Def 2 and 3
<u>3:46:27 PM</u>	Judge	accepted it as being Ex 1, but note of upper right
<u>3:46:53 PM</u>		will admit page in its entirety
<u>3:47:29 PM</u>	PD	no questions
<u>3:47:32 PM</u>	State	Cross Exam
<u>3:48:33 PM</u>	Demint	remembered the dog did something wiggley, have read grand jury transcript

<u>3:48:48 PM</u>		forgot about the paws up in there until I read the transcript
<u>3:49:05 PM</u>		knew they were there
<u>3:49:10 PM</u>		first aid kit
<u>3:50:12 PM</u>	State	show counsel St Ex 1 and 2
<u>3:50:24 PM</u>	Judge	lets have these marked as A and B
<u>3:50:54 PM</u>	Demint	recognizes photos
<u>3:51:23 PM</u>	State	move to Admit A and B
<u>3:51:29 PM</u>	Miller	no objection
<u>3:51:33 PM</u>	Judge	A and B are admitted
<u>3:52:36 PM</u>	Demint	I was driving
<u>3:52:48 PM</u>		drove it once a week weekly
<u>3:53:21 PM</u>		wrong
<u>3:53:34 PM</u>		barrels/cones and speed limit signs
<u>3:54:13 PM</u>		knew I hadn't seen a 55 mph sign yet
<u>3:54:40 PM</u>		it's been moving as they finish construction
<u>3:55:24 PM</u>		I hadn't passed it yet
<u>3:55:30 PM</u>		been driving commercially for 20 years
<u>3:55:38 PM</u>		didn't see it
<u>3:56:27 PM</u>		passed a patrol officer
<u>3:56:49 PM</u>		when I was standing there I couldn't see him anymore
<u>3:57:52 PM</u>		lane wasn't ending that soon
<u>3:58:00 PM</u>		don't know about signal
<u>3:58:34 PM</u>		he didn't say 55
<u>3:59:27 PM</u>		have listened to Lowery's audio
<u>3:59:41 PM</u>		it's on the dispatch report as well
<u>3:59:51 PM</u>		Lowery was the one talking, he had the conversation with us
<u>4:00:09 PM</u>		dispatch shows when they called in our names
<u>4:00:49 PM</u>		Clifford ran the license as he was getting the dog out of the truck
<u>4:01:39 PM</u>		no issue with my registration
<u>4:01:55 PM</u>	State	show you St ex C, already shown to counsel
<u>4:02:07 PM</u>	Demint	identifies his truck
<u>4:02:32 PM</u>	State	move to admit C
<u>4:02:36 PM</u>	Miller	no objection
<u>4:02:39 PM</u>	Judge	Ex C is admitted
<u>4:02:52 PM</u>	Demint	looks like it's open
<u>4:03:03 PM</u>		I never opened it
<u>4:03:20 PM</u>		didn't see him get in the back of the truck
<u>4:03:27 PM</u>		the dog didn't get back there
<u>4:03:45 PM</u>		don't know
<u>4:04:23 PM</u>		told him no fish hooks so the dog wouldn't get hurt

4:04:42 PM		lied
4:05:24 PM	Miller	Redirect
4:05:55 PM	Demint	it wasn't there, no posted 55 mph
4:06:06 PM		I've written them, but they didn't write me back
4:06:51 PM		wasn't intending to admit
4:07:05 PM	PD	nothing
4:07:08 PM	State	nothing further
4:07:30 PM	PD	calls client
4:07:48 PM	Thomas	Sworn
4:07:57 PM	PD	Direct Exam
4:08:05 PM	Thomas	Joshua Thomas
4:08:48 PM		in passenger seat, he approached my side
4:08:58 PM		rolled my window down, I was smoking, put it out before officer got there
4:09:16 PM		pulled out my ID, it was broken and damaged
4:09:33 PM		hard to read it
4:10:02 PM		set wallet in my lap expecting to get my ID back
4:10:18 PM		he left for a moment
4:10:29 PM		asked about insurance, had Scott get out of vehicle
4:11:00 PM		he came back to vehicle and asked me to get out
4:12:24 PM		Clifford was running our names
4:12:30 PM		Lowery left us to get K-9
4:17:24 PM		70 mph, never saw sign of 55; it was worn out
4:17:47 PM		don't think we were in a construction zone
4:17:57 PM		I wasn't driving, so not paying close attention to that
4:18:08 PM		he changed lanes
4:20:25 PM	Miller	one question
4:21:07 PM	State	Cross exam
4:21:58 PM	PD	object, outside scope of direct
4:22:07 PM	Judge	doesn't go to subject of stop
4:22:19 PM	PD	passenger has expectation of privacy, can provide case law
4:23:00 PM		quote from US Supreme Court
4:23:04 PM	Judge	not relative to cause for stop, more relevant for trial
4:23:29 PM	State	will agree to disagree
4:24:30 PM	Thomas	not paying attention to speed, were but weren't
4:25:10 PM		70 mph near Gowen
4:25:26 PM		more than a mile back
4:25:45 PM		I thought we were at the Broadway exit, but we weren't
4:26:42 PM		turn signal wasn't 5 seconds
4:27:05 PM		wasn't my job; wasn't the driver
4:27:35 PM		didn't give consent to pat me down
4:28:14 PM		just pocket knives, tools basically

4:29:36 PM	PD	no redirect
4:29:51 PM	Judge	can I see pictures the State admitted
4:30:02 PM		any more witnesses?
4:30:09 PM	Miller	no
4:30:12 PM	PD	no
4:30:14 PM	State	calls first witness
4:30:40 PM	Witness	Sworn
4:31:15 PM	State	Direct Exam
4:31:19 PM	Witness	Kevin Lowery
4:31:24 PM		employment
4:31:29 PM		south county patrol, drug detection handler and trainer
4:31:43 PM		certification
4:31:58 PM		training and experience, name of dog
4:32:39 PM		certified as a team
4:33:27 PM	Judge	what breed is she?
4:33:34 PM	Witness	black lab
4:34:28 PM		on patrol
4:34:36 PM		Clifford and I were working together that day
4:35:14 PM		watching for a certain vehicle
4:35:21 PM		vehicle description, waiting at a rest stop; saw them pass; saw it going west bound; narcotics officers had asked us to look for
4:35:53 PM		we proceed west bound, went under Eismann bridge, speed changed to 55, they were going 68; used turn signal for 2 seconds only
4:36:40 PM		construction zone started just west of Eismann bridge; had a posted sign
4:38:05 PM		vehicle was in 55 mph zone
4:39:37 PM	State	have witness hand Ex A
4:39:57 PM	Witness	identifies Ex A
4:40:25 PM		barrels were coordinating traffic
4:40:32 PM		next exist if Gowen, truck is near 58
4:41:15 PM		not start of construction zone
4:41:20 PM		within the zone
4:41:49 PM		audio recording the contact
4:42:04 PM		reviewed the recording today
4:42:36 PM		looks at Ex D, identifies
4:43:22 PM		identifies Demint
4:43:26 PM		identifies Thomas
4:43:32 PM	State	move to Admit Ex D
4:43:37 PM	PD	no objection
4:43:42 PM	Miller	no objection
4:43:49 PM	State	will publish

<u>4:44:10 PM</u>	Witness	contains more than one contact
<u>4:45:55 PM</u>	State	publishes Ex D
<u>4:56:29 PM</u>	Witness	gave items to Sargent Clifford
<u>4:56:56 PM</u>		got Nina out and deployed her
<u>4:57:05 PM</u>		she alerted on driver side window
<u>4:57:19 PM</u>		always start at back left brake light; do two passes
<u>4:57:40 PM</u>		she's on leash
<u>4:57:47 PM</u>		give her comman to sit then find it
<u>4:58:18 PM</u>		drivers side
<u>4:58:22 PM</u>		window was open
<u>4:58:30 PM</u>		that's incorrect
<u>4:58:53 PM</u>		opened drivers side door to let her search; she searched cab; no final response
<u>4:59:20 PM</u>		no behavioral changes
<u>4:59:32 PM</u>		put her into truck bed; put down tailgate
<u>4:59:47 PM</u>		she alerted
<u>4:59:58 PM</u>		Ex C
<u>5:00:23 PM</u>		stroller was tipped over when I opened tailgate, green bag and first aid kit was under stroller
<u>5:00:52 PM</u>		she jumps
<u>5:01:00 PM</u>		they were at the front of my vehicle with Sargent Clifford
<u>5:02:23 PM</u>		search the bag, then the box
<u>5:02:41 PM</u>		that's where Nina alerted
<u>5:03:12 PM</u>		Demint was valid, not warrants
<u>5:03:17 PM</u>		Thomas had no warrants
<u>5:04:05 PM</u>		he had a policy, but I don't know with dates for that vehicle
<u>5:05:00 PM</u>	State	back to beginning of audio
<u>5:05:10 PM</u>	Witness	gave reason for stop
<u>5:05:20 PM</u>		nothing said about blinker being broken
<u>5:05:32 PM</u>		just keeping up with traffic
<u>5:06:13 PM</u>		overly nervous, overly polite
<u>5:07:54 PM</u>	Miller	we have quite a bit of time to cross exam, might be best to continue this hearing
<u>5:08:18 PM</u>	Judge	more than 1/2 hr
<u>5:09:08 PM</u>	PD	brief recess
<u>5:16:22 PM</u>	PD	Cross Exam
<u>5:18:12 PM</u>	Witness	meeting the nervous checkpoints
<u>5:18:29 PM</u>		stories didn't match up
<u>5:19:41 PM</u>		information based on from narcotics
<u>5:19:53 PM</u>		states description given
<u>5:21:29 PM</u>		alerted on an open window
<u>5:21:34 PM</u>		it was hot

5:22:40 PM		describes search with Nina
5:23:45 PM	State	object, inaccurately reciting where evidence was located
5:24:08 PM	Judge	if officer doesn't know, he should say he doesn't know
5:29:15 PM	State	objection, relevance
5:29:21 PM	PD	response
5:29:27 PM	Judge	overruled
5:29:37 PM	Witness	when money and drugs are together
5:30:50 PM	Miller	Cross Exam
5:31:42 PM	Witness	vehicle description, than license plate number; travelling from Salt Lake and had drugs in it
5:32:14 PM		was told there was a passenger
5:32:57 PM		and drivers name given
5:33:03 PM		no names or description of them
5:33:12 PM		first and last name; type of narcotics
5:33:36 PM	State	objection, asked and answered
5:33:41 PM	Judge	overruled
5:33:50 PM	Witness	no quantity
5:33:57 PM		don't recall
5:34:07 PM		they were actively following it
5:34:21 PM		I was at the rest stop
5:34:49 PM		on the north side one, westbound lanes
5:34:58 PM		off freeway
5:35:19 PM		they're undercover, unmarked vehicle
5:35:30 PM		Sargent Clifford got the call
5:36:58 PM		that was the safest spot to wait
5:37:31 PM		you're splitting hairs here
5:37:38 PM		don't recall the length of a cellphone call
5:37:55 PM	State	objection, argumentative
5:38:01 PM	Judge	sustained
5:41:03 PM	State	objection, argumentative
5:41:11 PM	Judge	sustained
5:41:14 PM		you don't need to lecture him
5:42:27 PM	Witness	did do speed estimate at first
5:42:43 PM		caught up with him just past Eismann overpass
5:42:59 PM		directly behind, a few car lengths behind at Eismann exit
5:43:21 PM		5-6 car lengths, left lane, the fast lane
5:43:36 PM		he was in left lane
5:43:42 PM		at mile post 59
5:43:47 PM		pulled him over around 58ish
5:44:06 PM		initiated overheads between 59 and 58
5:45:34 PM		if an alert on first pass, don't do 2nd pass
5:45:51 PM		just direct her where to go, not where to stop

5:46:37 PM		burnt part into his mouth
5:49:13 PM		her training is up to date
5:49:33 PM		certification was yesterday; required every 15 months; we do it every 12 months, easier for bookkeeping
5:50:09 PM		she's never failed
5:51:03 PM		don't believe I said that
5:53:20 PM		didn't have warrant, neither clifford, or narcotics
5:53:37 PM		no warrant to search occupants
5:54:53 PM	State	objection, argumentative
5:55:00 PM	Judge	not sure where it's going, give some leeway
5:55:59 PM	Miller	look at Ex C
5:56:12 PM	Witness	appears to be open
5:56:20 PM		just standing on the tailgate
5:56:26 PM		didn't climb in
5:56:32 PM		none of us
5:57:18 PM		pretty thick cigarette smoke
5:57:45 PM	State	Redirect
5:58:27 PM	Witness	over 400 grams, would need my notes for exact
5:58:50 PM	Miller	objection, asked and answer
6:01:03 PM	PD	Recross based on that
6:02:23 PM	State	no further redirect
6:02:30 PM	Judge	witness may step down
6:03:13 PM	Judge	will allow closings
6:03:18 PM	Miller	would like to do written closings
6:03:29 PM		there's been a lot of information present
6:03:39 PM	State	no he wants to write a memo
6:03:55 PM		will defer to court
6:04:10 PM	Judge	don't see what further information you think I need
6:04:20 PM	Miller	Response
6:04:58 PM	PD	Defer to court
6:05:03 PM		feel there was new information
6:05:20 PM		the one alert isn't enough
6:05:25 PM	State	there isn't new information
6:05:30 PM		they've been provided reports, search warrant affidavit for cellphones; grand jury transcript, page 40-43 go over same information
6:06:06 PM	Judge	can i see that
6:06:21 PM	State	actually start on 39 and goes to 43
6:06:40 PM	Miller	haven't seen report from Detective Roberson
6:07:08 PM	State	haven't you read the grand jury transcript, his affidavit; pg 73 in Thomas. page 81 in Demint's
6:08:10 PM	Miller	have read this report, didn't connect the name
6:08:20 PM		read this report just today

6:08:26 PM		doesn't talk about information provided by narcotics
6:10:21 PM		need to research case law
6:10:29 PM	Judge	a credibility issue, not case law
6:10:58 PM		they had a tip, watching vehicle closely, saw traffic violation
6:11:25 PM	Miller	see what you're saying
6:11:39 PM	Judge	that's not their basis for probable cause
6:11:49 PM	Miller	agree
6:12:00 PM	Judge	don't think I need anything further in this case
6:13:09 PM		issues come to credibility
6:13:17 PM	Miller	have one thing
6:13:36 PM		relies on St v. Reimer from 1995
6:15:50 PM	Judge	wasn't an automobile exception
6:19:25 PM		understand your argument
6:19:43 PM		response
6:19:57 PM	State	Response
6:20:51 PM		believe your honor is on point
6:20:56 PM	Judge	this is what 5th circuit says
6:22:14 PM	PD	an argument, not about containers
6:23:06 PM		want to address the initial stop
6:25:28 PM	Miller	data to go with that
6:25:33 PM		no citations
6:25:39 PM		original purpose was abandoned
6:25:50 PM	State	cites caselaw
6:26:35 PM		simultaneous investigation
6:26:44 PM		Clifford ran IDs
6:27:10 PM		valid stop; probable cause
6:27:17 PM		ask you to deny their motion
6:27:23 PM	Judge	comments
6:29:01 PM		find officer's testimony to be credible
6:30:07 PM		automobile exception
6:36:09 PM		based on everything
6:36:26 PM		find search was lawful, motion to suppress is denied
6:36:38 PM		returns state's copy of grand jury transcript
6:36:53 PM		end of case

FEB 26 2015

CHRISTOPHER D. RICH, Clerk
By MEG KEENAM
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT and
JOSHUA ALLEN THOMAS,

Defendants.

**Case No. CR-FE-2014-0012188
and CR-FE-2014-0015738**

**MOTION FOR PREPARATION
OF TRANSCRIPT**

COMES NOW, Heather C. Reilly, Ada County Deputy Prosecuting Attorney, and moves this Court for an order for preparation of one transcript of the testimony from William Scott Demint and Joshua Allen Thomas from the Motion to Suppress hearing in front of Judge Hippler on the 25th day of February 2015 at 3 o'clock in the above entitled case.

DATED this 26 day of February 2015.

JAN M. BENNETTS

Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney

MOTION FOR PREPARATION OF TRANSCRIPT (DEMINT/ALLEN), Page 1

000108

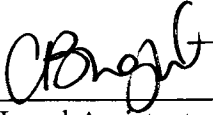
CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 20 day of February 2015, a true and correct copy of the foregoing State's Motion for Preparation of Transcript was served to **Joseph Miller, PO BOX 1743, Boise, ID 83701** in the manner noted below:

☒ By depositing copies of the same in the United States mail, postage prepaid, first class.

Nicole Owens, 200 W. Front Street, Room 1107, Boise, ID 83702

☒ By depositing copies of the same in the Interdepartmental Mail.



Legal Assistant

128
H.S.
3/10
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NO. _____
A.M. _____ FILED P.M. _____

MAR 02 2015

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
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200 W. Front Street, Room 3191
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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012188 and
	)	CR-FE-2014-0015738
vs.)	
	)	NOTICE OF INTENT TO USE
WILLIAM SCOTT DEMINT and	)	DEFENDANTS' SWORN
JOSHUA ALLEN THOMAS,	)	STATEMENTS
)	
Defendants.)	
_____)	

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and gives notice to Court and Counsel of the State's intent to use the Defendants' sworn statements in its case in chief.

At the February 25, 2015 hearing on the Defendants' Motion to Suppress, each Defendant testified, under oath, admitting in part, elements of the crimes alleged in these cases. In addition, Mr. Demint made sworn statements admitting elements of the crimes charged in the above entitled matter in his Verified Answer and Claim to Seized Property in Case No. CV-OC-2014-17003.

NOTICE OF INTENT TO USE DEFENDANTS' SWORN STATEMENT
(DEMINT/THOMAS), Page 1

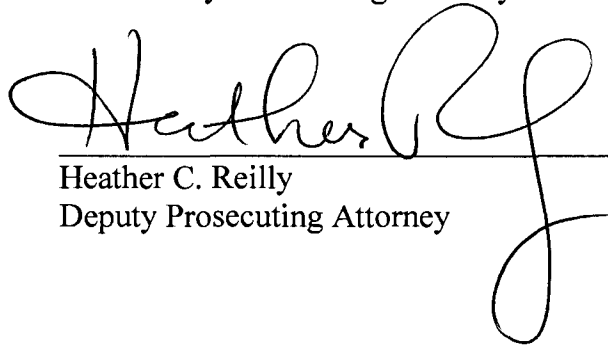
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The State intends to seek permission to provide the relevant testimony to the Court and jury, by written transcript of the Suppression Hearing and by providing relevant portions of a Certified Copy of the Verified Answer in the upcoming trial currently scheduled to begin Monday March 30, 2015, and/or any other date set for jury trial thereafter.

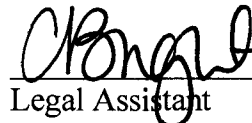
DATED this 2nd day of March 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of March 2015, I mailed a true and correct copy of the foregoing Notice of Intent to use Defendant's Sworn Statement to: Joseph Miller, PO Box 1743, Boise, ID 83701 and by depositing same in the interdepartmental mail to Nicole Owens, Ada County Public Defender's Office, 200 W. Front Street, Boise ID 83702.


Legal Assistant

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Status
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NO. 10 FILED
A.M. P.M.

MAR 04 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

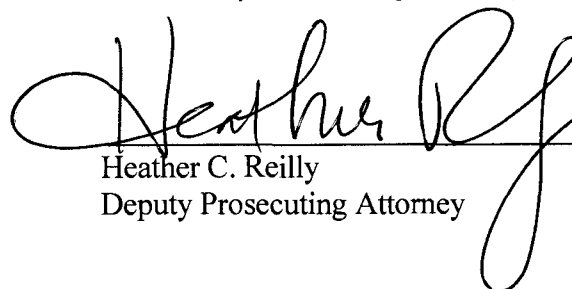
Case No. CR-FE-2014-0012188

**THIRD ADDENDUM TO
DISCOVERY RESPONSE
TO COURT**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted a Third Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 3 day of March 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

SW

RECEIVED

FEB 26 2015

Ada County Clerk

NO. _____ FILED _____
A.M. _____ P.M. 12:52

MAR 04 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT and
JOSHUA ALLEN THOMAS,

Defendants.

Case No. **CR-FE-2014-0012188**
and **CR-FE-2014-0015738**

**ORDER FOR PREPARATION
OF TRANSCRIPT**

Upon motion of the State, and good cause being shown;

IT IS HEREBY ORDERED that one (1) transcript of the testimony from William Scott Demint and Joshua Allen Thomas, from the Motion to Suppression Hearing held on the 25th day of February 2015 at 3 o'clock be prepared. The Transcription Department and/or Court Reporter is authorized to prepare and deliver to the Court an original and a copy to the Ada County Prosecuting Attorney.

DATED this 3 day of March 2015.


District Court Judge

CC: PA/AS/Rae

ORDER FOR PREPARATION OF TRANSCRIPT (DEMINT/ALLEN), Page 1

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NO. 1155 FILED
A.M. _____ P.M. _____

MAR 04 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

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Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th Street
P.O. Box 1743
Boise, ID 83701-1743
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Attorney for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-12188

**MOTION FOR RETURN OF
PROPERTY**

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and hereby moves the court for entry of its order requiring Plaintiff, and its agency the Ada County Sherrieff's Department, to immediately return to Defendant property belonging to him which was wrongfully appropriated by Plaintiff and its agency.

Grounds for this motion are as follows:

1. Plaintiff has wrongfully taken certain property belonging to Defendant to which Plaintiff has no rights.
2. This certain property is exclusively the property of Defendant. This property was not, and is not contraband. This property is not the fruit of any illegal activity.
3. This certain property has no evidentiary value or relevance to the issues in

MD

this case.

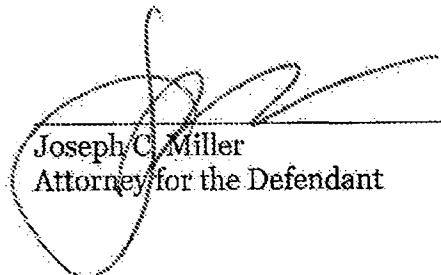
4. Some of this certain property, namely the cell phones, contains information essential to the Defendant to aid in his defense.

5. None of this property has been named in any civil forfeiture proceeding.

This motion is supported by the pleadings and documents on file in this matter and by Defendant's affidavit filed herewith.

DATED this 4th day of ^{March} February, 2015.

MAUK MILLER & BURGOWNE, LLC



Joseph C. Miller
Attorney for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of ^{March} ~~February~~, 2015, I caused true and accurate copies of the foregoing document to be served upon the following, pursuant to I.R.C.P. 5(f), as indicated below:

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax (208) 287-7709

☐ Hand Delivery
☐ U.S. Mail
☐ Overnight Courier
☒ Facsimile Transmission



Joseph C. Miller

NO. 1155
 A.M. 2 FILED P.M.

MAR 04 2015

Joseph C. Miller
 MAUK MILLER & BURGOYNE, L.L.C.
 P.O. Box 1743
 Boise, ID 83701-1743
 Tel: (208) 287-8787
 Fax: (208) 287-8788
 E-mail: office@idahojustice.com
 ISBN: 7485

CHRISTOPHER D. RICH, Clerk
 By MAURA OLSON
 DEPUTY

Attorney for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-12188

**AFFIDAVIT IN SUPPORT OF
 MOTION FOR RETURN OF
 PROPERTY**

STATE OF IDAHO)
) ss.
 County of Ada)

WILLIAM SCOTT DEMINT, being first duly sworn upon oath, deposes and states as follows:

1. I am the Defendant in the above-referenced matter.
2. I am over eighteen years of age and am competent to testify to the matters set forth herein.
3. Certain personal property items were seized from my vehicle at or after my arrest by the Ada County Sherriff's Department, to which Plaintiff has no rights. Those items include:
 - a. Two Ugly Stik fishing poles and one fly rod;
 - b. One Cobra 29 CB radio microphone;
 - c. One 12 watt electric cooler;

- d. One Cobra headset;
- e. Two folding camp chairs;
- f. Six music CDs located in the disc changer of the stereo;
- g. One Rand McNally GPS unit;
- h. One Samsung S4 cell phone;
- i. One Nokia cell phone;
- j. One LG cell phone;
- k. One Escort Radar Detector;
- l. Miscellaneous vaping supplies;
- m. Miscellaneous tools;
- n. Miscellaneous women's clothing; and
- o. Other miscellaneous items.

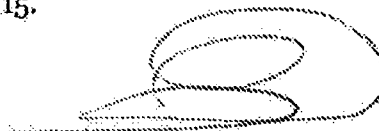
4. This property is exclusively my property. This property was not, and is not contraband. This property is not the fruit of any illegal activity. This property is not of any evidentiary value or relevant to any of the issues in this case.

5. The cell phones contain information I need in order to aid in my defense.

6. For the reasons listed above, I respectfully request that the court order the Plaintiff and its agents to immediately return any and all of my personal property not specifically named in a civil forfeiture proceeding or held as evidence.

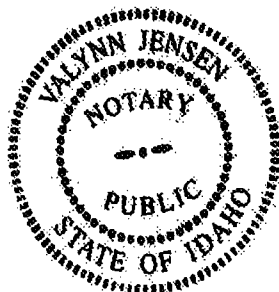
Further your affiant sayeth not.


DATED this 24th day of February, 2015.



William Scott DeMint

SUBSCRIBED AND SWORN TO before me this 24th day of February, 2015.




 Notary Public for Idaho
 Residing at: Boise, ID.
 Commission Expires: 4/21/2020

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2015, I caused true and accurate copies of the foregoing document to be served upon the following, pursuant to I.R.C.P. 5(f), as indicated below:

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: (208) 287-7709

☐ Hand Delivery
☐ U.S. Mail
☒ Overnight Courier
☒ Facsimile Transmission



Joseph C. Miller

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NO. _____
A.M. _____ P.M. 7:10

MAR 04 2015

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

**MOTION FOR LEAVE TO FILE
AMENDED INFORMATION
PART II**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho and moves this Court for its order allowing the State to file an Amended Information, Part II, in the above-matter based on what the State believes is the defendant's prior record as set out below. The State recently obtained the certified judgment of conviction for Count III. SALE OF MARIJUANA AND/OR POSSESSION MARIJUANA, from 1992 and seeks to add this conviction to the Information Part II.

I.

That the defendant, WILLIAM SCOTT DEMINT, was convicted of the crime of Possession of a Controlled Substance, Felony, on or about the 21st day of March 2007.

**MOTION FOR LEAVE TO FILE AMENDED INFORMATION PART II
(DEMINT), Page 1**

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h

And/or,

II.

That the defendant, WILLIAM SCOTT DEMINT, was convicted of the crime of Attempted Aggravated Battery, Felony, on or about the 6th day of June 1997.

And/or,

III.

That the defendant, WILLIAM SCOTT DEMINT, was convicted of the crime of Sale of Marijuana, Felony, and/or Possession of Marijuana, Felony, on or about the 9th day of September 1992.

And/or,

IV.

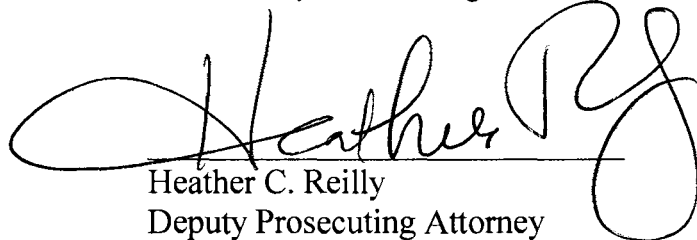
That the defendant, WILLIAM SCOTT DEMINT, was convicted of the crime of Burglary, Felony, on or about the 9th day of March 1992.

The State's information as to the defendant's prior record is based on a state or national records check.

RESPECTFULLY SUBMITTED this 4th day of March 2015.

JAN M. BENNETTS

Ada County Prosecuting Attorney

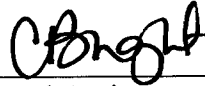

Heather C. Reilly
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4 day of March 2015, I caused to be served, a true and correct copy of the foregoing Motion for Leave to File Amended Information Part II upon the individual(s) named below in the manner noted:

Joseph Ellsworth, 1031 E. Park Blvd, Boise, ID 83712

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By Hand Delivering said document to defense counsel.
- ☐ By emailing a copy of said document to defense counsel.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☒ By faxing copies of the same to said attorney(s) at the facsimile number: 345-8945



Legal Assistant

128
STATUS
3/10
2

NO. _____ FILED _____
A.M. _____ P.M. 4/16
MAR - 4 2015
CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
WILLIAM SCOTT DEMINT,)
)
Defendant.)
_____)

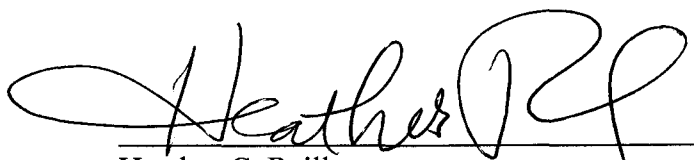
Case No. CR-FE-2014-0012188

NOTICE OF HEARING

TO: Joseph Miller, Attorney of Record, please take notice that on the 10th day of March, 2015 at the hour of 2 o'clock of said day, or as soon thereafter as counsel can be heard, Deputy Prosecuting Attorney, Heather C. Reilly, will move this Honorable Court regarding the State's Motion for Leave to File an Amended Information Part II in the above-entitled action.

DATED this 4 day of March 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney



Heather C. Reilly
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I **HEREBY CERTIFY** that on this 4 day of March 2015, I caused to be served, a true and correct copy of the foregoing Notice of Hearing upon the individual(s) named below in the manner noted:

Joseph Miller, PO Box 1743, Boise, ID 83701

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.

☒ By faxing copies of the same to said attorney(s) at the facsimile number: 287-8788



Legal Assistant

Time	Speaker	Note
<u>2:08:42 PM</u>		St. v. William Demint Status CRFE14-12188 Cust (Miller)
<u>2:08:46 PM</u>		St. v. Joshua Thomas Status CRFE14-15738 Cust
<u>2:08:51 PM</u>	Judge	calls cases, def's present in custody
<u>2:09:02 PM</u>	State	Heather Reilly
<u>2:09:09 PM</u>	Def Attny	Miller for Demint
<u>2:09:14 PM</u>	PD	Owens for Thomas
<u>2:09:19 PM</u>	Judge	time set for status
<u>2:09:37 PM</u>	State	we filed a motion for leave to file info pt 2
<u>2:09:49 PM</u>		did notice that up for hearing today
<u>2:10:04 PM</u>	Miller	we've not noticed that
<u>2:10:12 PM</u>	State	argues for motion for info pt 2
<u>2:10:54 PM</u>	Miller	no basis for objecting
<u>2:11:04 PM</u>	State	he was arraigned on info pt 2
<u>2:11:23 PM</u>	Judge	it just alleges a prior conviction from Florida
<u>2:11:39 PM</u>	Miller	state did make an offer, discussed it with him
<u>2:11:50 PM</u>		have done further negotiations
<u>2:11:56 PM</u>		haven't been able to reach a resolution
<u>2:12:02 PM</u>	PD	we have reached a resolution in Thomas's case either
<u>2:15:00 PM</u>	Judge	discusses trial
<u>2:15:05 PM</u>		still headed that way
<u>2:15:08 PM</u>		end of case

MAR 10 2015

CHRISTOPHER D. RICH, Clerk
By [Signature]
Deputy

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	Case No. CR-FE-2014-0012188
)	
Plaintiff,	)	AMENDED
	)	INFORMATION
vs.)	
	)	PART II
WILLIAM SCOTT DEMINT,)	
)	
Defendant.	)	DOB [REDACTED]
	)	SSN: [REDACTED]
)	

JAN M. BENNETTS, Prosecuting Attorney in and for the County of Ada, State of Idaho, who, in the name of and by the authority of said State, prosecutes in its behalf, in proper person, comes now before the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, and given the Court to understand and to be further informed that, as PART II of the Information on file herein, the Defendant, WILLIAM SCOTT DEMINT, is a PERSISTENT VIOLATOR OF THE LAW, in that the Defendant has heretofore been convicted of two or more of the following felonies, to-wit: I. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, CASE NO. H0700072, II.

EL

ATTEMPTED AGGRAVATED BATTERY, FELONY, CASE NO. CRC96-23077 CFANO-M, III. SALE OF MARIJUANA AND/OR POSSESSION MARIJUANA, FELONY, CASE NO. CR-92-10396CFANO-D and IV. BURGLARY, FELONY, CASE NO. CRC91-21271 CFANO-B.

I.

That the said Defendant, WILLIAM SCOTT DEMINT, on or about the 21st day of March 2007, was convicted of the crime of Possession of a Controlled Substance, a FELONY, in the County of Ada, State of Idaho, by virtue of that certain Judgment of Conviction made and entered in case number H0700072.

and/or,

II.

That the said Defendant, WILLIAM SCOTT DEMINT, on or about the 6th day of June 1997, was convicted of the crime of Attempted Aggravated Battery, a FELONY, in the County of Pinellas, State of Florida, by virtue of that certain Judgment of Conviction made and entered in case number CRC96-23077 CFANO-M.

and/or,

III.

That the said Defendant, WILLIAM SCOTT DEMINT, on or about the 9th day of September, 1992, was convicted of the crime of Sale of Marijuana, a FELONY and/or Possession of Marijuana, a FELONY, in the county of Pinellas, State of Florida, by virtue of that certain Judgment of Conviction made and entered in case number CRC-92-10396CFANO-D.


and/or,

IV.

That the said Defendant, WILLIAM SCOTT DEMINT, on or about the 9th day of March 1992, was convicted of the crime of Burglary, a FELONY, in the County of Pinellas, State of Florida, by virtue of that certain Judgment of Conviction made and entered in case number CRC91-21271 CFANO-B.

WHEREFORE, the said Defendant, having been convicted previously of two (2) or more felonies, should be considered a persistent violator of the law, and should be sentenced accordingly pursuant to Idaho Code §19-2514, upon conviction of the charge(s) contained in PART I of the Information.

DATED This 4th day of March 2015.

For 

JAN M. BENNETTS
Ada County Prosecuting Attorney

NO. 1145 FILED
A.M. 1145 P.M.

MAR 13 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
P.O. Box 1743
Boise, ID 83701-1743
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Attorney for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	NOTICE OF HEARING
vs.)	
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	
_____)	

PLEASE TAKE NOTICE that the above-entitled matter has been set for a hearing on Defendant's MOTION FOR RETURN OF PROPERTY before The Honorable Judge Steven Hippler of the above-entitled court at the Ada County courthouse in Boise, Idaho on Tuesday, the 17th day of March, 2015, at 3:00 p.m., or as soon thereafter as counsel can be heard.

DATED this 13th day of March, 2015.

MAUK MILLER & BURGOYNE, LLC

Joseph C. Miller
Attorney for the Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St., Rm. 3191
Boise, ID 83702
Fax: (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile

Joseph C. Miller
Mauk Miller & Burgoyne, LLC
515 S. 6th St.
Boise, ID 83702
Fax: (208) 287-8788

☐ Hand Delivery
☐ U.S. Mail
☐ Overnight Courier
☒ Facsimile Transmission



Joseph C. Miller

NO. 1145 FILED
A.M. 1145 P.M.

MAR 13 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

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Joseph C. Miller
MILLER LAW, P.C.
5223 W. Overland Rd.
Boise, ID 83705
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: joe@idahojustice.com
ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	MOTION TO SHORTEN TIME
vs.)	
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	
)	

TO: DISTRICT JUDGE STEVEN HIPPLER

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and respectfully moves the court pursuant to I.R.C.P. 7 for its order shortening the time required for notice of the hearing on his MOTION FOR RETURN OF PROPERTY filed in this matter. Defendant's motion is based on the following:

1. Defendant's MOTION FOR RETURN OF PROPERTY was filed on March 4, 2015, so the Plaintiff has had sufficient notice of the motion and is therefore not prejudiced by shortening the time for notice of hearing on the motion.
2. Further, it is in keeping with judicial economy to allow Defendant's motion to be heard at the time of the pre-trial in this matter.

Oral argument is requested if deemed necessary by the court.

DATED this 13th day of March, 2015.**MAUK MILLER & BURGOYNE, LLC**



Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

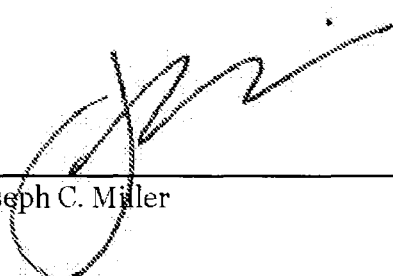
I HEREBY CERTIFY that on this 13th day of March, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile Transmission

Joseph C. Miller
Mauk Miller & Burgoyne, LLC
515 S. 6th St.
Boise, ID 83702
Fax: 287-8788

☐ Hand Delivery
☐ U.S. Mail
☐ Overnight Courier
☒ Facsimile Transmission



Joseph C. Miller

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NO. 800
A.M. FILED P.M.

MAR 13 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT and
JOSHUA ALLEN THOMAS,

Defendant.

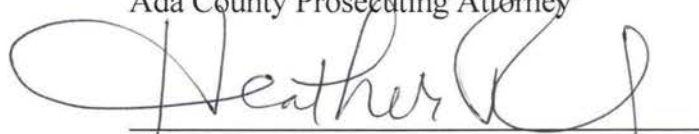
Case No. CR-FE-2014-0012188 and
CR-FE-2014-0015738

NOTICE OF HEARING

TO: Joseph Miller and Nicole Owens, Attorneys of Record, please take notice that on the 17th day of March, 2015, at the hour of 3 o'clock of said day, or as soon thereafter as counsel can be heard, Deputy Prosecuting Attorney, Heather C. Reilly, will move this Honorable Court regarding the State's Notice of Intent to Use Defendant's Sworn Statements in the above-entitled action.

DATED this 12 day of March 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13 day of March 2015, I faxed a true and correct copy of the foregoing Notice of Intent to use Defendant's Sworn Statement to: Joseph Miller, at 287-8788 and by depositing same in the interdepartmental mail to Nicole Owens, Ada County Public Defender's Office, 200 W. Front Street, Boise ID 83702.


Legal Assistant

MAR 13 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

Joseph C. Miller
 MAUK MILLER & BURGOYNE, LLC
 515 S. 6th St.
 Boise, ID 83702
 Tel: (208) 287-8787
 Fax: (208) 287-8788
 E-mail: office@idahojustice.com
 ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-0012188
Plaintiff,)	
	)	WITNESS AND EXHIBIT LIST
vs.	)	AND REQUEST FOR JURY
	)	INSTRUCTIONS
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	
_____)	

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and hereby makes the following disclosures of potential witnesses and exhibits and requests for jury instructions in anticipation of the upcoming trial in this case.

WITNESSES

Defendant may call the following as witnesses in his behalf:

1. Defendant.
2. Deputy Kevin Lowry; Ada County Sheriff; 7200 Barrister Dr., Boise, ID 83704; 577-3000. Deputy Lowry stopped and arrested Defendant and did a K-9 search of Defendant's vehicle. He may testify of the circumstances involving the stop, search and arrest.
3. Sergeant Matt Clifford; Ada County Sheriff; 7200 Barrister Dr., Boise, ID 83704; 577-3000. Sergeant Clifford assisted and supervised the stop and arrest of Defendant. He may testify to the circumstances of the stop and arrest.

4. Alysha Lillian Marie Beer; LE#1026153, c/o Ada County Jail; 7210 Barrister Dr., Boise, Idaho 83704. It is believed Ms. Beer had information about Defendant that she provided to law enforcement which led to the stop and arrest of Defendant and may be able to testify to said information and her dealings with law enforcement.
5. Joshua Allan Thomas; LE#094879, c/o Ada County Jail; 7210 Barrister Dr., Boise, Idaho 83704. Mr. Thomas was a passenger in the vehicle driven by Defendant when the stop and arrest occurred and may testify to the circumstances of the stop and arrest.
6. Any individuals identified as witnesses for the prosecution.
7. Any individuals identified in the discovery materials.

EXHIBITS

Defendant does not at this time proffer any exhibits for introduction at trial. However Defendant reserves the right to seek introduction of exhibits should new evidence become available, in accordance with the Idaho Rules of Evidence.

JURY INSTRUCTIONS

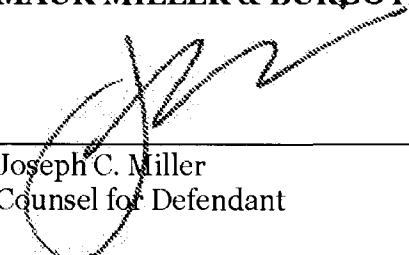
The Defendant requests the following jury instructions:

1. ICJI Standard Instructions regarding evidence, burden, proof;
2. ICJI Standard Instruction No. 103, Reasonable Doubt;
3. ICJI Standard Instruction No. 301, Effect of Defendant's Election Not to Testify;
4. ICJI Standard Instruction No. 305, Union of Act and Intent;

Defendant reserves the right to request additional jury instructions depending on the evidence presented at trial.

DATED this 13th day of March, 2015.

MAUK MILLER & BURGOYNE, LLC



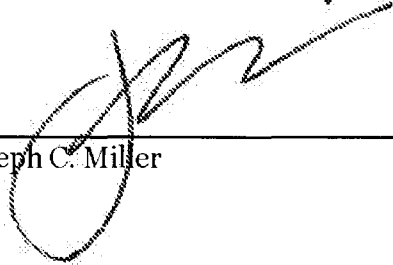
Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front, Rm. 3191
Boise, ID 83702
Fax: (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

MAR 13 2015

CHRISTOPHER D. RICH, Clerk
By MEG KEENAN
DEPUTY

128
PTC
3/17
3:00
Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
P.O. Box 1743
Boise, ID 83701-1743
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	MOTION FOR PREPARATION
vs.	)	OF TRANSCRIPT
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant,)	
_____)	

COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and moves this court for an order for preparation of a written transcript of the hearing on Defendant's MOTION TO EXCLUDE EVIDENCE, heard in this matter before the Honorary Judge Hippler on the 25th of February, 2015 at 3:00 p.m.

DATED this 13th day of March, 2015.

MAUK MILLER & BURGOYNE, LLC



Joseph C. Miller
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

Time	Speaker	Note
<u>4:09:08 PM</u>		St. v. William Demint CRFE14-12188 Pretrial Conference/Property Cust (Miller)
<u>4:09:11 PM</u>		St. v. Joshua Thomas CRFE14-15738 Pretrial Conference Cust
<u>4:09:26 PM</u>	Judge	calls cases, def's present in custody
<u>4:09:36 PM</u>	State	Heather Reilly
<u>4:09:40 PM</u>	Def Attny	Joseph Miller
<u>4:09:45 PM</u>	PD	Nicole Owens
<u>4:09:49 PM</u>	Judge	still going to trial?
<u>4:09:58 PM</u>	Miller	3 days
<u>4:10:38 PM</u>	Judge	it could be possibly a Plan B judge
<u>4:11:59 PM</u>		would start it April 1st
<u>4:12:12 PM</u>		counsel and defendants ready at 8:30am, start trial at 9am
<u>4:12:33 PM</u>		no Bruton issues
<u>4:13:13 PM</u>	State	their statements at suppression hearing
<u>4:13:21 PM</u>		civil filing for firearm
<u>4:13:32 PM</u>	Miller	no basis for an objection to suppression
<u>4:13:42 PM</u>		haven't considered the civil filing for possession of firearm
<u>4:13:54 PM</u>	Judge	submit any briefing
<u>4:14:04 PM</u>	State	an issue in Demints case
<u>4:14:16 PM</u>		witness and exhibit list faxed March 13th
<u>4:14:30 PM</u>		a witness was disclosed that wasn't previously disclosed
<u>4:14:44 PM</u>		doesn't comply with scheduling order
<u>4:15:03 PM</u>		this witness isn't relevant
<u>4:15:19 PM</u>		outside the scheduling order
<u>4:15:24 PM</u>	Judge	approach?
<u>4:19:20 PM</u>	Judge	any other issues
<u>4:19:26 PM</u>	Judge	part 2 on Demint
<u>4:19:36 PM</u>	Judge	peremptories, 11, 11 and 7
<u>4:19:48 PM</u>	State	both facing life
<u>4:19:52 PM</u>	Judge	give everyone 11
<u>4:20:43 PM</u>		how the panel will be seated
<u>4:22:25 PM</u>		voir dire 30 minutes each, and 30 minutes each in openings
<u>4:22:57 PM</u>	Miller	the return of property
<u>4:23:09 PM</u>	State	contesting the 3 cellphones and vaping supplies
<u>4:23:43 PM</u>		the cellphones are evidence, he was provided information of that months ago
<u>4:24:00 PM</u>	Miller	vaping supplies
<u>4:24:33 PM</u>		the evidence has been extracted, they don't need the phones anymore
<u>4:24:43 PM</u>	Judge	they're entitled to show the phone
<u>4:25:19 PM</u>		not returned until case is over and that could include appeal

<u>4:25:31 PM</u>		will deny motion
<u>4:25:41 PM</u>	Judge	prepare an order for the other items
<u>4:25:52 PM</u>		end of case

Ada County Clerk

NO. _____ FILED 3:59
A.M. _____ P.M. _____

MAR 18 2015

CHRISTOPHER D. RICH, Clerk
By RIC NELSON
DEPUTY

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
P.O. Box 1743
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Tel: (208) 287-8787
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ISBN: 7485

Counsel for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

VS.

WILLIAM SCOTT DEMINT,

Defendant,

Case No. CR-FE-2014-12188

ORDER FOR PREPARATION OF TRANSCRIPT

Based upon Defendant's MOTION FOR PREPARATION OF TRANSCRIPT filed herein,
and for good cause appearing,

IT IS HEREBY ORDERED that one (1) transcript of the hearing on Defendant's Motion to Exclude Evidence held in this matter on the 25th day of February 2015 at 3:00 p.m. be prepared. The Transcription Department and/or Court Reporter is authorized to prepare and deliver a copy to the counsel of the Defendant upon payment of the appropriate transcription fee.

DATED this 17 day of March, 2015.

Steven Hippler
District Judge

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

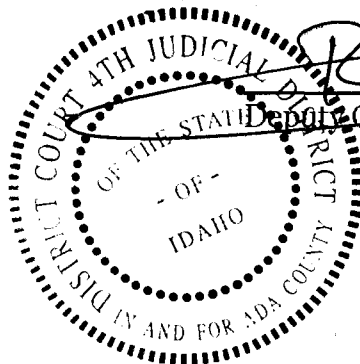
Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: 287-7709

☒ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☐ Facsimile

Joseph C. Miller
Mauk Miller & Burgoyne, LLC
P.O. Box 1743
Boise, ID 83701-1743
Fax: 287-8788

☒ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☐ Facsimile

CHRISTOPHER D. RICH



CC: TCA

128
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NO. _____ FILED _____
A.M. _____ P.M. _____

350

MAR 20 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

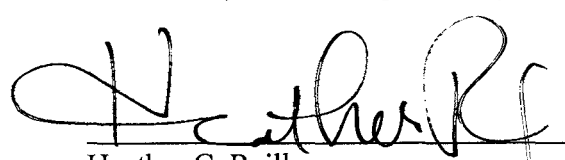
THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
WILLIAM SCOTT DEMINT,)
)
Defendant.)
_____)

Case No. CR-FE-2014-0012188
FOURTH ADDENDUM TO
DISCOVERY RESPONSE
TO COURT

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted a Fourth Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 20 day of March 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

MAR 26 2015

CHRISTOPHER D. RICH, Clerk
By MEG KEENAN
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

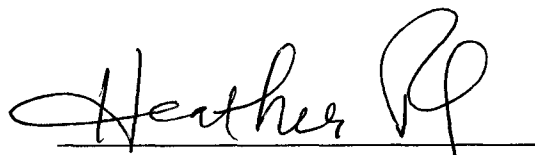
Case No. CR-FE-2014-0012188

**FIFTH ADDENDUM TO
DISCOVERY RESPONSE
TO COURT**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 26 day of March 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

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R

NO. _____
A.M. _____ P.M. _____
FILED 12

MAR 27 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

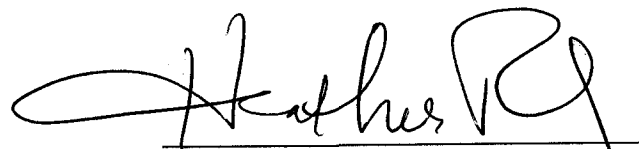
Case No. CR-FE-2014-0012188

**SIXTH ADDENDUM TO
DISCOVERY RESPONSE
TO COURT**

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 27 day of March 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

Time	Speaker	Note
<u>5:23:31 PM</u>		St v. William Demint CRFE14-12188 Change of Plea
<u>5:23:43 PM</u>	Judge	calls case, def present in custody
<u>5:23:47 PM</u>	State	Heather Reilly
<u>5:23:54 PM</u>	Def Attny	Joseph Miller
<u>5:24:02 PM</u>	Judge	time for change of plea
<u>5:24:13 PM</u>	Miller	guilt to trafficking, weapon, dismiss remainder, withdraw persistent violator
<u>5:24:35 PM</u>		open sentencing, both side free to argue; def preserved right to appeal (suppression)
<u>5:24:57 PM</u>	State	limit on fine \$25,000; restitution open
<u>5:26:21 PM</u>	Judge	Questions defendant's attorney re: Guilty Plea
<u>5:28:58 PM</u>	Defendant	Sworn
<u>5:33:47 PM</u>	Judge	Questions defendant re: Guilty Plea.
<u>5:39:18 PM</u>	Defendant	in his own words
<u>5:40:32 PM</u>		guilty
<u>5:40:34 PM</u>		guilty
<u>5:40:37 PM</u>	Judge	Factual basis for guilty plea.
<u>5:41:07 PM</u>		accept guilty plea, order psi
<u>5:41:19 PM</u>		Sentencing May 18th at 11am
<u>5:41:31 PM</u>		end of case

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF ADA IN AND FOR THE STATE OF IDAHO

MAR 31 2015

By CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

GUILTY PLEA ADVISORY AND FORM (JUDGE STEVEN HIPPLER)

TO BE FILLED OUT BY THE DEFENDANT

Defendant's Name: William DeHart Signature [Signature]

Date: 3/31/15 Case Number: CR-FE-14-12188

Age: 44 Date of Birth: 3/9/71

Nature of Charge(s): I.C. 37-2732(a)(4)(c) Minimum & Maximum Possible Penalty:

Trafficking in Meth Min. 10 yrs. to life; Min. \$25K - 100K.
Felon in Possess. of Firearm 5 yrs; \$5,000 fine
I.C. 18-3316

**STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY
(PLEASE INITIAL EACH RESPONSE)**

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you choose to have a trial, the State cannot require you to testify. If you do decide to testify, however, the State will be permitted to ask you questions on cross examination and anything you say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving my right to remain silent before and during trial. [Signature]

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. [Signature]

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. SD

4. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving my right to be presumed innocent. SD

5. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every one of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving my right to a speedy and public jury trial. SD

6. You have the right to confront the witnesses called against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty, I am waiving my right to confront the witnesses against me, to present witnesses on my own behalf and to present evidence in my defense. SD

7. The State has the burden of proving you guilty beyond a reasonable doubt.

I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. SD

QUESTIONS REGARDING PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

PLEASE CHECK ONE

1. Do you read and write the English language?

YES ☒ NO ☐

If not, have you been provided with an interpreter to help you fill out this form?

YES ☐ NO ☒

2. What is your true and legal name? William P. McInt

3. What was the highest grade you completed? 18

If you did not complete high school, have you received either a GED or HSE?

YES ☒ NO ☐

4. Are you currently under the care of a mental health professional? YES ☐ NO ☒

If you answered "yes," what is the mental health professional's name? _____

5. Have you ever been diagnosed with a mental health disorder? YES ☒ NO ☐

If you answered "yes," what was the diagnosis and when was it made?

Bi Polar ADHD depression Addictive

6. Are you currently prescribed any medication? YES ☒ NO ☐

If you answered "yes," what medications are you taking at this time?

Depolate, Eferie

If you answered "yes," have you taken your prescription medication during the past 24 hours? YES ☒ NO ☐

7. In the last 24 hours, have you taken any medications or drugs, **INCLUDING over the counter drugs**, or drunk any alcoholic beverages?

YES ☒ NO ☐

If "yes," what have you taken? none

Do you believe this affects your ability to understand these questions, and make a reasoned and informed decisions in this case? YES ☐ NO ☒

8. Is there any other reason that you would be unable to make a reasoned and informed decision in this case? YES ☐ NO ☒

If "yes," what is the reason? _____

9. Is your guilty plea the result of a plea agreement? YES ☒ NO ☐

If you answered "yes," what are the terms of that plea agreement? (If available, a written plea agreement should be attached hereto as "Addendum 'A'")

Reserve the right to appeal All aspects
drop PART 2 and Remaining charges
Plead guilty to trafficking & Felon w/ Firearm;
Dismiss all other counts; Withdraw Inf. Part II;

10. There are two types of plea agreements. Please initial the ONE paragraph below which describes the type of plea you are entering. **DO NOT INITIAL BOTH PARAGRAPHS:**

a. I understand that the Court is **NOT** bound by the plea agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. SD

~~b. I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty pursuant to Rule 11(d)(4) of the Idaho Criminal Rules and proceed to a jury trial. SD~~

11. As a term of your plea agreement, are you pleading guilty to more than one crime? YES ☐ NO ☐

If you answered "yes," do you understand that your sentence for each crime could be ordered to be served either concurrently (at the same time) or consecutively (one after the other)? YES ☐ NO ☐

12. Do you feel you have had sufficient time to discuss your case with your attorney? YES ☐ NO ☐

13. Have you told your attorney everything you know about the crime? YES ☐ NO ☐

14. Is there anything you have requested your attorney to do that your attorney has **not** done? YES ☐ NO ☐ SD

If you answered "yes," please explain. _____

15. Your attorney can get various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called discovery. **Have you reviewed the evidence provided to your attorney during discovery?** YES ☐ NO ☐ SD

16. Are there any witnesses who could show you are innocent? YES ☐ NO ☐ SD

If you answered "yes," have you told your attorney who those witnesses are? YES ☐ NO ☐

17. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues? YES ☒ NO ☐

If you answered "yes," what issue are you reserving the right to appeal?

All, specifically the suppression issue.

18. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including:

- 1) any searches or seizures that occurred in your case,
- 2) any issues concerning the method or manner of your arrest, and
- 3) any issues about any statements you may have made to law enforcement?

YES ☒ NO ☐

19. Have you waived your right to appeal your judgment of conviction and sentence as part of your plea agreement? YES ☐ NO ☒

20. Have any other promises been made to you which have influenced your decision to plead guilty? YES ☐ NO ☒

If you answered "yes," what are those promises?

21. Do you understand that by pleading guilty you waive or give up any defenses, both factual and legal, that you believe you may have in this case? YES ☒ NO ☐

22. Are there any motions or other requests for relief that you believe should still be filed in this case? YES ☐ NO ☒

If you answered "yes," what motions or requests? _____

23. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty?

YES ☒ NO ☐

24. Are you currently on probation or parole?

YES ☒ NO ☐

If you answered "yes", do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole and additional punishment?

YES ☒ NO ☐

Do you also understand that this sentence can be served consecutively to any other sentence you are currently serving?

YES ☐ NO ☒

25. As a result of your plea in this case, have you been advised that you may be required pay restitution to any victim in this case pursuant to I.C. §19-5304?

YES ☒ NO ☐

If "yes", to whom? State

26. As a result of your plea in this case, have you been advised that you may be required to pay restitution to any other party as a condition of your plea agreement?

YES ☐ NO ☒

If "yes", to whom? _____

27. As a result of your plea in this case, will you be required to pay the costs of prosecution and investigation? (I.C. § 37-2732(k))

YES ☒ NO ☐

28. As a result of your plea in this case, do you understand you will be required to submit a DNA sample to the state and pay for any testing of that sample? (I.C. § 19-5506)

YES ☒ NO ☐

29. As a result of your plea in this case, do you understand that the court can impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307)

YES ☒ NO ☐

30. As a result of your plea in this case, is there a **mandatory** driver's license suspension?

YES ☐ NO ☒

If "yes", for how long *must* your license be suspended? _____.

31. As a result of your plea in this case, is there a mandatory domestic violence, substance abuse, or psychosexual evaluation? (I.C. §§ 18-918(7)(a), -8005(9), -8317)

YES ☐ NO ☒

32. Have you discussed with your attorney the fact the Court will order a pre-sentence investigation, psychosexual evaluation, anger evaluation and/or domestic violence evaluation and that anything you say during any of those examinations may be used against you in sentencing?

YES ☒ NO ☐

33. Has your attorney explained the fact that you have a constitutional right to remain silent during any of those examinations but that you may give up that right and voluntarily participate in those examinations?

YES ☒ NO ☐

34. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a Persistent Violator? (I.C. § 19-2514)

YES ☒ NO ☐

Do you understand that if you are convicted as a Persistent Violator, the court in that new case could sentence you to an enhanced sentence which could include life imprisonment? YES ☒ NO ☐

35. As a result of your plea in this case, will you be required to register as a sex offender? (I.C. § 18-8304) YES ☐ NO ☒

If you answered "yes" to this question, do you understand that if you are found guilty or plead guilty to another charge that requires you to register as a sex offender in the future, you could be charged in the new crime under I.C. § 19-2520G requiring a mandatory sentence of fifteen (15) years to run consecutive to any other sentence imposed by the court? YES ☐ NO ☒

36. Do you understand that if you plead guilty to a felony, you will lose your right to vote in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3) YES ☒ NO ☐

37. Do you understand that if you plead guilty to a felony, you will lose your right to hold public office in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3) YES ☒ NO ☐

38. Do you understand that if you plead guilty to a felony, you will lose your right to perform jury service in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3) YES ☒ NO ☐

39. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry firearms? (I.C. § 18-310) YES ☒ NO ☐

40. Do you understand that *no one*, including your attorney, can force you to plead guilty in this case? YES ☒ NO ☐

41. Are you pleading guilty freely and voluntarily? YES ☒ NO ☐

42. Are you pleading guilty because you committed the acts alleged in the information or indictment? YES ☒ NO ☐

43. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? YES ☐ NO ☐ NA ☒

44. Has *any* person (including a law enforcement officer or police officer or your attorney) threatened you or done anything to make you enter this plea against your will? YES ☐ NO ☒

If your answer is "yes," what threats have been made and by whom?

45. Other than in the plea agreement, has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter? YES ☐ NO ☒

If your answer is "yes," what promises have been made and by whom?

46. Do you understand that the only person who can promise what sentence you will actually receive is the Judge? YES ☐ NO ☒

Has the Judge made any promises to you? YES ☐ NO ☒

47. Are you satisfied with your attorney? YES ☒ NO ☐

48. Have you answered all questions on this Questionnaire truthfully and of your own free will? YES ☒ NO ☐

49. Have you had any trouble answering any of the questions in this form which you could not work out by discussing the issue with your attorney? YES ☐ NO ☒

50. **IF YOU ARE NOT A CITIZEN OF THE UNITED STATES**, do you understand that by pleading guilty, or making factual admissions, this will trigger deportation or removal proceedings, meaning that you face being removed from the United States and returned to your country of origin, and the loss of your ability to obtain legal status in the United States, or denial of an application for United States citizenship?

YES ☐ NO ☐ NA ☒

Have you and your attorney discussed these issues?

YES ☐ NO ☐ NA ☒

51. Do you swear under penalty of perjury that your answers to these questions are true and correct? YES ☒ NO ☐

I have answered the questions on pages 1-8 of this Guilty Plea Advisory form truthfully. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 31 day of April, 2015

DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

DEFENDANT'S ATTORNEY

MAR 31 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

JAN M. BENNETTS

Ada County Prosecuting Attorney

Heather C. Reilly

200 West Front Street, Room 3191

Boise, Idaho 83702

Phone: 287-7700

Fax: 287-7709


IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

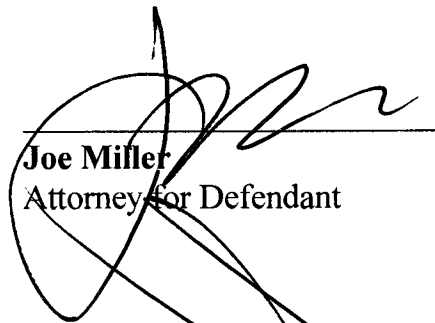
STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012188
)	
vs.	)	RULE 11(a)(2) CONDITIONAL
	)	PLEA
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	
_____)	

COMES NOW, State of Idaho, by and through its attorney of record, Heather C. Reilly, and Defendant, WILLIAM SCOTT DEMINT, by and through his attorney of record, Joe Miller, pursuant to Rule 11(a)(2) of the Idaho Criminal Rules, and hereby respectfully submits for the approval of the court the consent of the prosecuting attorney to the Defendant entering a conditional plea of guilty reserving the right, upon appeal from the judgment, to review the denial of Defendant's Motion to Suppress Evidence filed in the above entitled case.

Respectfully submitted.

DATED, this 31 day of March, 2015



Heather Reilly
Ada County Deputy Prosecuting Attorney

Joe Miller
Attorney for Defendant

WILLIAM SCOTT DEMINT
Defendant

128
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NO. _____
A.M. _____ P.M. _____

APR - 3 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.


Case No. CR-FE-2014-0012188

SEVENTH ADDENDUM TO
DISCOVERY RESPONSE
TO COURT

COMES NOW, Heather C. Reilly, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 2nd day of April 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Heather C. Reilly
Deputy Prosecuting Attorney

SEVENTH ADDENDUM TO DISCOVERY RESPONSE TO COURT (DEMINT),

Page 1

000158

NO. _____
A.M. _____ FILED P.M. _____

MAY 07 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

128
SH
5/18
11A

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th St.
Boise, ID 83702
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Attorney for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

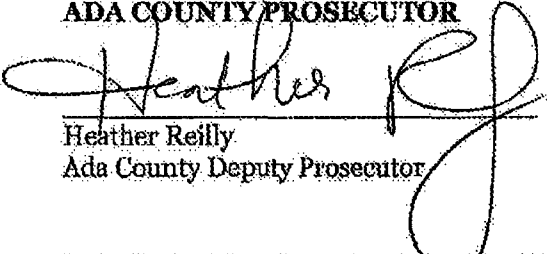
Case No. CR-PE-2014-12188

**STIPULATED MOTION TO
CONTINUE SENTENCING**

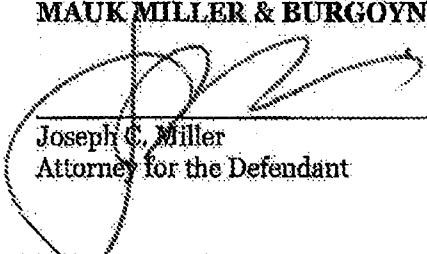
COMES NOW the Defendant, WILLIAM SCOTT DEMINT, by and through counsel, and affirms that the parties have stipulated to an agreement to move the court to continue the sentencing hearing currently scheduled in this matter for Monday, May 18, 2015, at 11:00 a.m., to accommodate a conflict in defense counsel's calendar. Defense counsel is scheduled to be in felony trial in Elmore County at the same time as this sentencing.

DATED this 7th day of May, 2015.

ADA COUNTY PROSECUTOR


Heather Reilly
Ada County Deputy Prosecutor

MAUK MILLER & BURGOYNE, LLC


Joseph C. Miller
Attorney for the Defendant

STIPULATED MOTION TO CONTINUE SENTENCING - Page 1 of 2

000159

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of May, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P. 5(f):

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: (208) 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile



Joseph C. Miller

RECEIVED
MAY 07 2015
ADA COUNTY CLERK

NO. _____
A.M. _____ FILED P.M. 2:30

MAY 13 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th St.
P.O. Box 1743
Boise, ID 83701-1743
Tel: (208) 287-8787
Fax: (208) 287-8788
Email: office@idahojustice.com
ISBN: 7485

Counsel for the Accused

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-12188
)	
vs.	)	ORDER TO CONTINUE
	)	SENTENCING
WILLIAM SCOTT DEMINT,)	
)	
Defendant,)	
_____)	

A MOTION WITH GOOD CAUSE having been filed in this matter, the parties having stipulated to the continuance of the sentencing hearing in this matter, it is hereby ordered that this matter be reset for sentencing hearing on the 26th day of May, 2015, at 3:30 a.m. / (p.m.) in Ada Canyon County District Court to accommodate a conflict in Defense counsel's calendar.

DATED THIS 11th day of May, 2015.


Steven Hippler
District Judge

CLERK'S CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 13 day of May, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f)

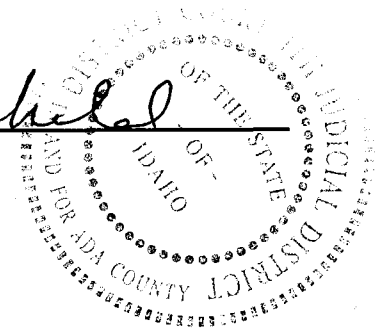
Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: (208) 287-7709

☒ U.S. Mail, postage prepaid
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Joseph C. Miller
Mauk Miller & Burgoyne, LLC
515 S. 6th St.
Boise, ID 83702
Fax: (208) 287-8788

☒ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☐ Facsimile


Deputy Clerk



Time	Speaker	Note
<u>4:01:50 PM</u>		State v. William Demint Sentencing CRFE14-12188 Cust (Miller)
<u>4:01:52 PM</u>	Judge	calls case, def present in custody
<u>4:01:58 PM</u>	State	Heather Reilly
<u>4:02:04 PM</u>	Def Attny	Joseph Miller
<u>4:02:13 PM</u>	Judge	time set for sentencing
<u>4:02:18 PM</u>		plea agreement
<u>4:03:32 PM</u>		no legal cause
<u>4:03:34 PM</u>		ordered psi and have reviewed it
<u>4:03:44 PM</u>		counsel and defendant have reviewed psi
<u>4:03:53 PM</u>	Miller	we have a couple of errors
<u>4:04:08 PM</u>		pg 5
<u>4:05:54 PM</u>		pg 17
<u>4:07:26 PM</u>		pg 21
<u>4:10:52 PM</u>	State	we're seeking restitution
<u>4:10:59 PM</u>	Miller	object to the amount
<u>4:11:40 PM</u>		go ahead and enter the order
<u>4:11:48 PM</u>		we can file an objection and later set for hearing
<u>4:12:16 PM</u>	State	argues sentencing and rec's
<u>4:33:10 PM</u>	Miller	argues sentencing and rec's
<u>4:34:58 PM</u>	State	she's not a victim, would need to be under oath
<u>4:35:07 PM</u>	Miller	calls Linda Westwood
<u>4:35:18 PM</u>	Westwood	Sworn
<u>4:35:23 PM</u>	Miller	Direct
<u>4:44:00 PM</u>	State	Cross
<u>4:46:22 PM</u>	Judge	you may step down
<u>4:46:32 PM</u>	Miller	proceeds with arguing sentencing
<u>5:03:40 PM</u>	Defendant	No statement
<u>5:03:52 PM</u>	Judge	find you guilty
<u>5:05:24 PM</u>		comments
<u>5:13:07 PM</u>		JOC: ct 1: 20=10+10, ct 3: 5=2 1/2 + 2 1/2; consecutive; remanded, bail exonerated, cts ?d; dna sample and right thumbprint; court costs, mandatory fine \$25,000; restitution is ordered
<u>5:15:26 PM</u>		Appeal rights
<u>5:15:48 PM</u>	Miller	move for withdrawal now, client would like a new attorney for his appeal
<u>5:16:01 PM</u>	Judge	file your motion
<u>5:16:05 PM</u>		end of case

MAY 28 2015

CHRISTOPHER D. RICH, Clerk
By MARTHA LYKE
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208)-287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
William S. DeMint,)
)
Defendant.)
_____)

Case No. CRFE20140012188

ORDER FOR RESTITUTION
AND JUDGMENT

WHEREAS, on the 26th day of May 2015, a Judgment of Conviction was entered against the Defendant, William S. DeMint; and therefore pursuant to Idaho Code §19-5304 and §37-2732(k) and based on evidence presented to this Court;

IT IS HEREBY ORDERED, that the Defendant, William S. DeMint, shall make restitution to the victim(s) and/or law enforcement agency(ies) in the following amounts of:

ML

DRUG ENFORCEMENT DONATION ACCOUNT
ACSO ATTN NARCOTICS
ACPO DRUG PROSECUTION RESTITUTION
ADA COUNTY PROSECUTORS OFFICE

\$1,200.00
\$1,664.00
\$13,015.00
\$263.25

TOTAL:

\$16,142.25

Post judgment interest on said restitution amount will accrue from the date of this Order and Judgment at the rate specified in Idaho Code §28-22-104.

Restitution in the amount of \$3,127.25 is to be paid joint and several with co-defendant: Joshua A. Thomas, Case No. CR-FE-2014-15738.

FURTHER, pursuant to I.C. 19-5305 this Order may be recorded as a judgment against the Defendant, William S. DeMint, and the listed victim(s) may execute as provided by law for civil judgments.

FURTHER, it is the responsibility of the Defendant to notify the Restitution Department (208-287-7700) if at any time a victim collects by means of the civil judgment.

IT IS SO ORDERED.

DATED this 27th day of May 2015.



Judge

MAY 28 2015

CHRISTOPHER D. RICH, Clerk
By MARTHA LYKE
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiffs,

-vs-

WILLIAM SCOTT DEMINT,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR FE 2014-0012188

**JUDGMENT OF CONVICTION
AND COMMITMENT**

On May 27, 2015, Heather Reilly, Deputy Prosecuting Attorney for the County of Ada, State of Idaho, and the defendant, William Scott Demint, with his attorney, Joseph Miller, appeared before this Court for sentencing.

The defendant was duly informed of the Indictment filed against him, and the defendant entered a guilty plea on March 31, 2015 to the crimes of COUNT I: TRAFFICKING IN METHAMPHETAMINE, FELONY, I.C. §§ 37-2732B(a)(4)(C), 18-204 and COUNT III: UNLAWFUL POSSESSION OF A FIREARM, FELONY, I.C. § 18-3316, committed on or about August 20, 2014. Counts II, IV and V were dismissed pursuant to plea negotiations.

The defendant, and defendant's counsel, were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the defendant, and if the defendant, or defendant's counsel, wished to offer any evidence or to make a statement on behalf of the defendant, or to present any information to the Court in mitigation of punishment; and the Court, having accepted such statements, and having found no legal cause or reason why

SMK

judgment and sentence should not be pronounced against the defendant at this time; does render its judgment of conviction as follows, to-wit:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crimes of COUNT I: TRAFFICKING IN METHAMPHETAMINE, FELONY, I.C. §§ 37-2732B(a)(4)(C), 18-204 and COUNT III: UNLAWFUL POSSESSION OF A FIREARM, FELONY, I.C. § 18-3316, and that he be sentenced pursuant to the Uniform Sentence Law of the State of Idaho, I.C. § 19-2513, to the custody of the State of Idaho Board of Correction as follows:

Count I: Defendant shall serve an aggregate term of twenty (20) years: with the first ten (10) years of the term to be FIXED, and with the remaining ten (10) years of the term to be INDETERMINATE, with such sentence to commence immediately.

Count III: Defendant shall serve an aggregate term of five (5) years: with the first two and one-half (2½) years of the term to be FIXED, and with the remaining two and one-half (2½) years of the term to be INDETERMINATE, with such sentence to commence immediately.

Said sentences shall run consecutively to one another.

Pursuant to I.C. § 18-309, the defendant shall be given credit for the time already served upon the charges specified herein, which is two hundred eighty (280) days as of the date of sentencing.

The defendant shall submit a DNA sample and right thumbprint impression to authorities pursuant to I.C. § 19-5506 within ten (10) days of this judgment.

Pursuant to I.C. § 31-3201A, the Defendant shall pay court costs in the amount of \$17.50, on each count; County Administrative Surcharge Fee in the amount of \$10.00, on each count, pursuant to I.C. § 31-4602; P.O.S.T. Academy fees in the amount of \$15.00, on each count, pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of \$10.00, on each count,

pursuant to I.C. § 31-3201(5); \$75.00, on each count, to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00, on each count, for the Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; \$15.00, on each count, victim notification fee pursuant to I.C. § 31-3204; \$30.00, on Count I, domestic violence fee pursuant to I.C. § 32-1410; \$10.00, on each count, for the drug hotline fee pursuant to I.C. § 37-2735A; and \$100.00, on each count, emergency surcharge fee pursuant to I.C. § 31-3201H, to be paid through the Clerk of the District Court.

IT IS FURTHER ADJUDGED that pursuant to I.C. §§ 37-2732B(a)(4)(C), 18-204 the defendant be, and hereby is, assessed and ordered to pay a mandatory minimum fine in the amount of \$25,000.00. The fine shall be paid through the Clerk of the District Court.

Pursuant to I.C. § 19-5304, the defendant shall pay restitution in the amount of \$16,142.25, bearing interest at the statutory rate of 5.125% per annum until paid in full. The defendant shall pay restitution through the Clerk of the District Court.

The defendant shall pay an amount to be determined by the Department of Correction, not to exceed one hundred dollars (\$100), for the cost of conducting the pre-sentence investigation and preparing the pre-sentence investigation report. The amount will be determined by the Department and paid by the defendant in accordance with the provisions of I.C. § 19-2516.

The defendant shall be remanded to the custody of the Sheriff of Ada County, to be delivered FORTHWITH by him into the custody of the Director of the State Board of Correction of the State of Idaho.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the defendant.

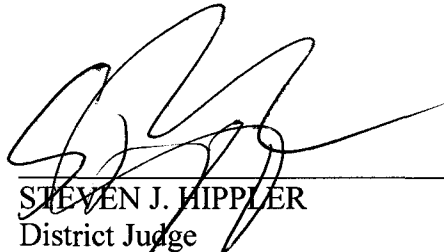
NOTICE OF RIGHT TO APPEAL

You, William Scott Demint, are hereby notified that you have the right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days from the entry of this judgment.

You are further notified that you have the right to be represented by an attorney in any appeal, that if you cannot afford to retain an attorney, one may be appointed at public expense. Further, if you are a needy person, the costs of the appeal may be paid for by the State of Idaho. If you have questions about your appeal rights, you should consult your present lawyer.

IT IS SO ORDERED.

Dated this 27th day of May 2015.


STEVEN J. HIPPLER
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of May 2015, I mailed (emailed) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR'S OFFICE
VIA EMAIL

JOSEPH C. MILLER
MAUK MILLER & BURGOYNE, LLC
PO BOX 1743
BOISE, ID 83701

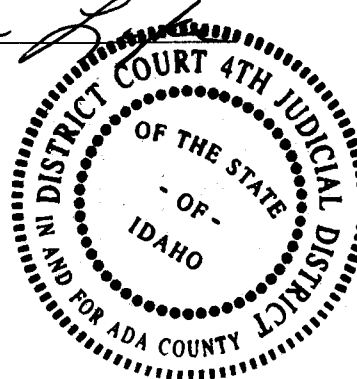
ADA COUNTY JAIL
VIA EMAIL

IDAHO DEPARTMENT OF CORRECTION
VIA EMAIL

PSI DEPARTMENT
VIA EMAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: *Shantha L. [Signature]*
Deputy Clerk



Ada County Mugshot - Prosecutor's Office



User: PRBRIGCA

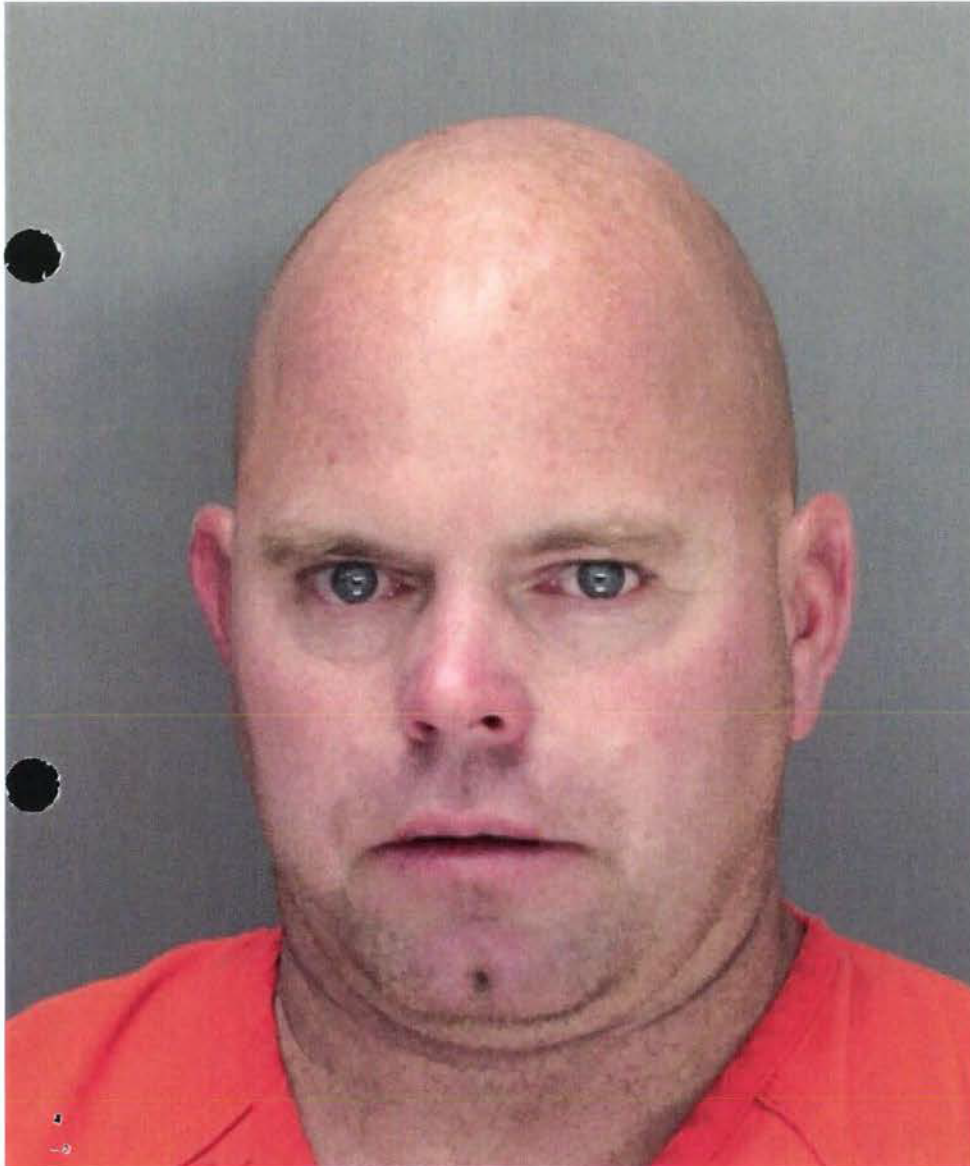


Photo Taken: 2014-08-20 22:57:42

Name: DEMINT, WILLIAM SCOTT

Case #: CR-FE-2014-0012188

LE Number: 254466

DOB: [REDACTED]

SSN: [REDACTED]

Height: 503

Weight: [REDACTED]

Drivers License Number:

Drivers License State:

Sex: M **Race:** W **Eye Color:** BLU **Hair Color:** BRO **Facial Hair:**

Marks: LEG, LEFT

Scars:

Tattoos:

NO. _____
 A.M. _____ FILED P.M. _____

JUN 03 2015

CHRISTOPHER D. RICH, Clerk
 By MAURA OLSON
 DEPUTY

Joseph C. Miller
 MAUK MILLER & BURGOYNE, LLC
 515 S. 6th Street
 P.O. Box 1743
 Boise, ID 83701-1743
 Tel: (208) 287-8787
 Fax: (208) 287-8788
 E-mail: office@idahojustice.com
 ISBN: 7485

Attorney for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-12188

**MOTION FOR LEAVE TO
 WITHDRAW AS COUNSEL
 OF RECORD**

TO: DISTRICT JUDGE STEVEN HIPPLER

COMES NOW Joseph C. Miller, counsel for Defendant WILLIAM SCOTT DEMINT, and requests that the court permit attorney Joseph C. Miller and his firm of Mauk, Miller, & Burgoyne, LLC to withdraw as attorney of record for Defendant. This request is being made pursuant to I.R.C.P. 11(b)(2).

Attorney specifically states that:

1. Good cause for withdrawal exists inasmuch as Defendant has requested new representation and no longer wishes for Mr. Miller to represent him.
2. Defendant is entitled to the representation of his choice.
3. There are no more hearings scheduled in this matter.

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD | 1 of 3

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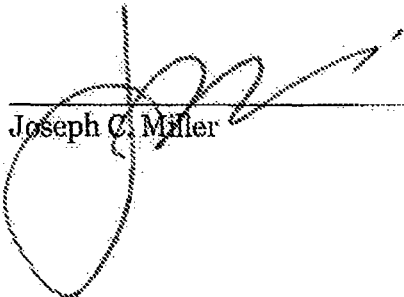
4. A Judgement of Conviction has been entered and therefore withdrawal is not being sought to create a tactical advantage or for any improper purpose.

Pursuant to I.R.C.P. 11(a)(1) attorney understands that signing this pleading constitutes his certificate that attorney has read this pleading; that to the best of the attorney's knowledge, information, and belief after reasonable inquiry it is well grounded in fact and is warranted by existing law; and that it is not interposed for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase in the cost of litigation.

If deemed necessary by the court, oral argument is requested pursuant to I.R.C.P. 7(b)(3).

DATED this 3rd day of June, 2015.

MAUK MILLER & BURGOYNE, LLC



Joseph C. Miller

CERTIFICATE OF SERVICE

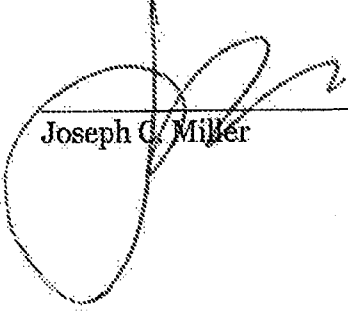
I hereby certify that on this 3rd day of June, 2015, I caused a true and correct copy of this entire document to be served pursuant to I.R.C.P. 5(b) as indicated below:

Ada County Deputy Prosecutor
200 W. Front St.
Rm. 3191
Boise, ID 83702
Fax: 287-7709

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Fax Transmission

William Scott DeMint
c/o Ada County Jail
LE# 254466
7210 Barrister Dr.
Boise, ID 83704

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Fax Transmission



Joseph C. Miller

FILED
Thursday, June 11, 2015 at 03:26 PM
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: E. Child
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

NOTICE OF HEARING

APPEARANCES:

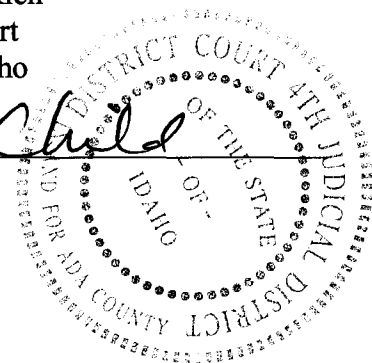
Heather Reilly
Ada County Prosecutor
INTERDEPARTMENTAL MAIL

Joseph C Miller
Attorney at Law
PO Box 1743
Boise ID 83701-1743

PLEASE TAKE NOTICE That the Honorable Steven Hippler, District Judge, has set this matter for hearing for **Motion to Withdraw on Monday, June 22, 2015 at 03:00 PM** at the Ada County Courthouse, 200 West Front Street, Boise, Id.

Christopher D. Rich
Clerk of the Court
Ada County, Idaho

By: E. Child
Deputy Clerk



CC: Counsel/ mll
Notice of Hearing

000175

Ec

128
6/22
3:00
HS

NO. _____ FILED _____
A.M. _____ P.M. _____

JUN 18 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th St.
Boise, ID 83702
Tel: (208) 287-8787
Fax: (208) 287-8788
Email: office@idahojustice.com
ISBN: 7485

Counsel for the Defendant/Appellant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
)	
Plaintiff/Respondent,	)	Case No. CR-FE-14-12188
)	
v.	)	NOTICE OF APPEAL
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant/Appellant.)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND ITS ATTORNEYS,
HEATHER REILLY, ADA COUNTY DEPUTY PROSECUTOR, LAWRENCE G.
WASDEN, IDAHO ATTORNEY GENERAL, STATEHOUSE, BOISE, IDAHO 83720,
ALL COURT REPORTERS, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellant, WILLIAM SCOTT DEMINT, appeals against the above named Respondent to the Idaho Supreme Court from that certain JUDGMENT OF CONVICTION AND COMMITMENT entered against him on May 28, 2015, by the Honorable Steven Hippler, District Judge, presiding.

2. Appellant has the right to appeal to the Idaho Supreme Court from the JUDGMENT OF CONVICTION AND COMMITMENT imposed as described in paragraph 1, above, and said JUDGMENT OF CONVICTION AND COMMITMENT has appealable issues

under and pursuant to Rules 4 and 11(c), Idaho Appellate Rules, and Rules 54.3 and 54.4, Idaho Rules of Criminal Procedure.

3. A preliminary statement of the issues on appeal which Appellant intends to assert in the appeal is as follows:

a. Whether the court correctly ruled on Appellant's MOTION TO EXCLUDE EVIDENCE that was filed with the court on February 6, 2015, and which was heard by the District court and which the District court denied on or about February 24, 2015.

b. Provided, however, that any such list of issues on appeal shall not prevent Appellant from asserting other issues on appeal, pursuant to Rule 17(f), Idaho Appellate Rules.

4. No order has been entered sealing any portion of the record.

5. Appellant requests the following:

a. Reporter's standard transcript, pursuant to Rule 25, Idaho Appellate Rules;

b. Preparation of the following limited portions of the reporter's transcript as defined in Rule 25(b), Idaho Appellate Rules:

i. **Hearing on Appellant's Motion to Exclude Evidence held on February 24, 2015 (Christie Valcich, court reporter; estimated over 100 pages).**

ii. **Sentencing Hearing of May 26, 2015 (Christie Valcich, court reporter; estimated over 20 pages).**

c. Preparation of the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, Idaho Appellate Rules:

i. All pre-trial motions filed herein;

ii. All memorandums or briefs filed herein;

iii. All exhibits admitted into evidence, or offered and not admitted into evidence;

iv. The Pre-Sentence Investigation Report which is routinely sealed by the Court but which is requested herein.

6. I hereby certify:

a. That a copy of this notice of appeal has been served on the court reporter,

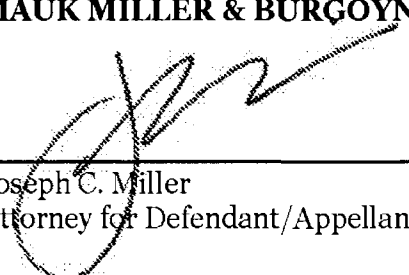
as shown in the Certificate of Service, below;

b. That the appellant is exempt from paying the estimated transcript fee because this is a criminal appeal. The Appellant has also been in custody continuously since his arrest on August 20, 2014 and is therefore indigent and unable to pay the fee;

c. That service has been made upon all parties required to be served pursuant to Rule 20, Idaho Appellate Rules, and the Attorney General of Idaho, pursuant to Idaho Code § 67-1401(1).

DATED this 18th day of June, 2015.

MAUK MILLER & BURGOYNE, LLC



Joseph C. Miller
Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2015, I caused a true and accurate copy of the foregoing document to be served upon the following pursuant to I.R.C.P. 5(f), as indicated below:

Heather Reilly
Ada County Deputy Prosecutor
200 W. Front St.
Boise, ID 83702
Fax: 287-7709

_____ Hand Delivery
_____ Federal Express
_____ Certified Mail
_____ U.S. Mail
___X___ Facsimile Transmission

Lawrence Wasden
Attorney General
Attention: Criminal Division
P.O. Box 83720
Boise, ID 83720-0010

_____ Hand Delivery
_____ Federal Express
_____ Certified Mail
___X___ U.S. Mail
_____ Facsimile Transmission

Sara B. Thomas
State Appellate Public Defender
3050 Lake Harbor Ln., Ste. 100
Boise, ID 83703

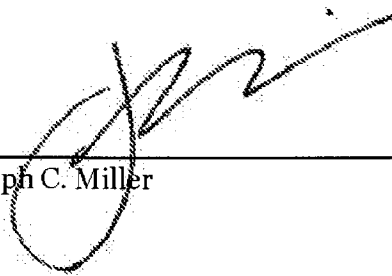
_____ Hand Delivery
_____ Federal Express
_____ Certified Mail
___X___ U.S. Mail
_____ Facsimile Transmission

Christie Valcich
Court Reporter
Ada County Courthouse
200 W. Front St.
Boise, ID 83702

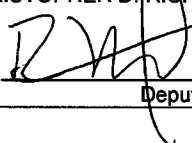
_____ Hand Delivery
_____ Federal Express
_____ Certified Mail
___X___ U.S. Mail
_____ Facsimile Transmission

Steve Kenyon
Idaho Supreme Court
451 State St.
PO Box 83720
Boise, ID 83720-0101

_____ Hand Delivery
_____ Federal Express
_____ Certified Mail
___X___ U.S. Mail
_____ Facsimile Transmission



Joseph C. Miller

FILED
Friday, June 19, 2015 at 10:43 AM
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: 
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

ORDER TO TRANSPORT

Inmate Number:

DOB 

It appearing that the above-named defendant is in the custody of the Idaho State Board of Correction, and that it is necessary that **WILLIAM SCOTT DEMINT** be brought before this Court for:

Motion to Withdraw.....Monday, June 22, 2015 @ 03:00 PM

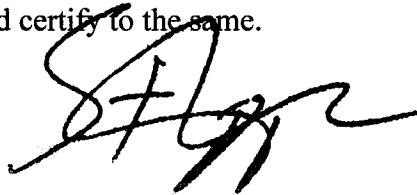
It is THEREFORE ORDERED That the Ada County Sheriff bring the Defendant from the Penitentiary to the Court at said time and on said date;

IT IS FURTHER ORDERED That immediately following said Court appearance the Sheriff will return the said Defendant to the custody of the Idaho State Board of Correction until the court orders otherwise;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the said Defendant to the Ada County Sheriff for the purpose of the aforementioned appearance and await further order of the court.

IT IS FURTHER ORDERED That the Clerk of this Court serve a copy hereof upon the Idaho State Board of Correction forthwith and certify to the same.

Dated Friday, June 19, 2015.



STEVEN J. HIPPLER
DISTRICT JUDGE

JUN 23 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

ORDER TO TRANSPORT

INMATE NO: DefenantInmateNumber

SSN [REDACTED]

It appearing that the above-named defendant is in the custody of the Idaho Board of Corrections, and that it is necessary that defendant be brought before this court on **Monday, June 29, 2015 at 02:00 PM** for a Motion to Withdraw as Attorney.

IT IS THEREFORE ORDERED That the Ada County Sheriff bring the defendant from the Penitentiary to the Court at said time and on said date(s);

IT IS FURTHER ORDERED That immediately following said Court appearance the Sheriff will return the said defendant to the custody of the Idaho State Penitentiary;

IT IS FURTHER ORDERED That the Idaho State Penitentiary release the said defendant for the purpose of the aforementioned appearance.

IT IS FURTHER ORDERED That the Clerk of this Court serve a copy hereof upon the Idaho State Penitentiary forthwith and certify to the same.

Dated this 23 Day of June, 2015.


STEVEN HIPPLER
DISTRICT JUDGE

Copies To:

BOARD OF CORRECTIONS
VIA FACSIMILIE 327-7444

ADA COUNTY JAIL
VIA FACSIMILE

Time	Speaker	Note
<u>2:18:49 PM</u>		St. v. William Demint Withdraw CRFE14-12188 Cust (Miller)
<u>2:18:51 PM</u>	Judge	calls case, def present in custody
<u>2:18:58 PM</u>	State	Josh Haws
<u>2:19:02 PM</u>	Def Attny	Joseph Miller
<u>2:19:07 PM</u>	Judge	time set on motion to withdraw
<u>2:19:35 PM</u>		there are issues I wanted to address
<u>2:19:54 PM</u>	Miller	argues motion to withdraw
<u>2:20:28 PM</u>	Demint	yes, true
<u>2:20:34 PM</u>	Judge	ask you submit an Order Appointing State Appellate PD
<u>2:21:11 PM</u>		will sign the order
<u>2:21:19 PM</u>	Miller	client was asking about return of property
<u>2:22:01 PM</u>	Judge	submit an order and I'll sign it
<u>2:22:09 PM</u>		end of case

RECEIVED

JUL 16 2015

Ada County Clerk

NO. _____ FILED
A.M. 11:32 P.M. _____

JUL 23 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

128
Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th Street
P.O. Box 1743
Boise, ID 83701-1743
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Attorney for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-12188
Plaintiff,)	
	)	ORDER FOR RETURN OF
vs.	)	PROPERTY
)	
WILLIAM SCOTT DEMINT,)	
)	
Defendant.)	
_____)	

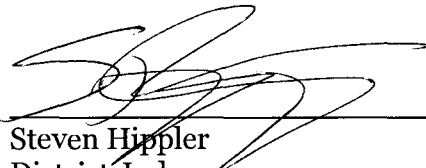
A MOTION WITH GOOD CAUSE having been filed, and good cause appearing,
therefore

IT IS HEREBY ORDERED that Plaintiff, and its agency the Ada County Sherriiff's
Department, shall immediately return to Defendant personal property belonging to him which
was wrongfully appropriated by Plaintiff and its agency, to wit:

1. Two Ugly Stik fishing poles and one fly rod;
2. One Cobra 29 CB radio microphone;
3. One 12 watt electric cooler;
4. One Cobra headset;
5. Two folding camp chairs;
6. Six music CDs located in the disc changer of the stereo;

7. One Rand McNally GPS unit;
8. One Escort Radar Detector;
9. Miscellaneous vaping supplies;
10. Miscellaneous tools;
11. Miscellaneous women's clothing; and
12. Other miscellaneous items.

DATED this 17 day of May, 2015.



Steven Hippler
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on this 23 day of ~~May~~^{July}, 2015, I caused a true and accurate copy of the foregoing document to be served upon the following pursuant to I.R.C.P. 5(f), as indicated below:

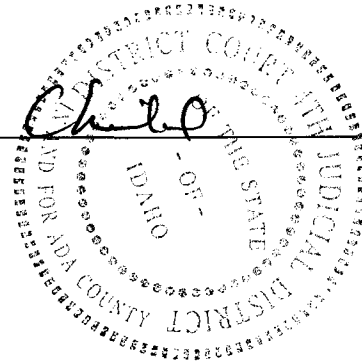
Ada County Prosecutor
200 W. Front St. Rm 3191
Boise, ID 83702
Fax: 287-7709

☒ Hand Delivery
☐ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

Joseph C. Miller
Mauk Miller & Burgoyne, LLC
515 S. 6th St.
Boise, ID 83702
Fax: 287-8788

☒ Hand Delivery
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

E. Chao
Deputy Clerk



NO. _____ FILED _____
A.M. 11:32 P.M. _____

RECEIVED
JUN 03 2015
ADA COUNTY CLERK

JUL 23 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
515 S. 6th Street
PO Box 1743
Boise, ID 83701-1743
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Attorney for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-12188

**ORDER GRANTING LEAVE TO
WITHDRAW AS COUNSEL
OF RECORD**

JOSEPH C. MILLER, of the firm Miller Law, P.C., attorney of record for Defendant WILLIAM SCOTT DEMINT, having filed a motion to withdraw as counsel of record with the court, and good cause appearing, therefore,

IT IS HEREBY ORDERED THAT:

1. Attorney Joseph C. Miller and the firm of Miller Law, P.C., are granted leave to withdraw as counsel of record for Defendant WILLIAM SCOTT DEMINT in the above-entitled case. Defendant is directed to appoint another attorney to appear, or to appear in person by filing a written notice with the Court stating how he will represent himself within twenty (20) days from the date of personal service or mailing of this Order to Defendant WILLIAM SCOTT DEMINT at his last known address:

WILLIAM SCOTT DEMINT,

c/o Ada County Jail

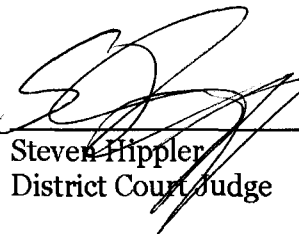
LE#: 254466

7210 Barrister Dr.

Boise, Idaho 83704

2. Attorney Joseph C. Miller and the firm of Miller Law, P.C., shall, with due diligence, serve copies of this order upon Defendant WILLIAM SCOTT DEMINT and all other parties to the action. Such service shall be hand delivered to Defendant WILLIAM SCOTT DEMINT personally or by certified mail to the last known address of the Defendant. Service shall be complete upon mailing.
3. No further proceedings will be had in the present action which will affect the rights of Defendant WILLIAM SCOTT DEMINT for a period of twenty (20) days after service or mailing of this order to Defendant.
4. If Defendant WILLIAM SCOTT DEMINT fails to file and serve an additional written appearance in this action whether in person or through a newly-appointed attorney within said twenty (20) day period, such failure shall be sufficient grounds for the dismissal of Defendant's pleadings, without further notice.

DATED THIS 17th day of June, 2015.



Steven Hippler
District Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23 day of ^{July}~~June~~, 2015, I served true and correct copies of the foregoing document by delivering the same to the following persons, by the method indicated below, pursuant to I.R.C.P.5(f):

Ada County Deputy Prosecutor
200 W. Front St., 3191
Boise, ID 83702
Fax: 208-287-7709

☒ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☐ Facsimile

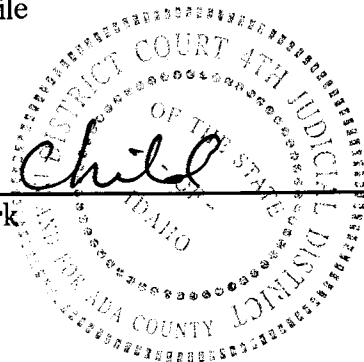
William Scott DeMint
c/o Ada County Jail
LE#: 254466
7210 Barrister Dr.
Boise, Idaho 83704

☒ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☐ Facsimile

Joseph C. Miller
Miller Law, P.C.
5223 W. Overland Rd.
Boise, ID 83709
Fax: 287-8788

☒ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☐ Facsimile

E. Child
Deputy Clerk



RECEIVED

JUL 16 2015

Ada County Clerk

NO. _____ FILED
A.M. 11:32 P.M. _____

JUL 23 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

Joseph C. Miller
MAUK MILLER & BURGOYNE, LLC
P.O. Box 1743
Boise, ID 83701-1743
Tel: (208) 287-8787
Fax: (208) 287-8788
E-mail: office@idahojustice.com
ISBN: 7485

Attorney for the Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM SCOTT DEMINT,)
)
Defendant.)
_____)

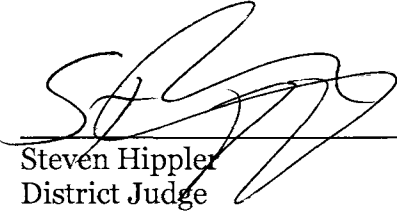
Case No. CR-FE-2014-12188

**ORDER FOR APPOINTMENT OF
STATE APPELLATE PUBLIC
DEFENDER**

A MOTION WITH GOOD CAUSE having been filed, and Defendant's former counsel having been granted leave to withdraw, and this court having found that Defendant lacks sufficient resources to hire private counsel to represent him in his appeal in this case, and his Notice of Appeal having been timely filed, and good cause appearing, therefore

IT IS HEREBY ORDERED that the State Appellate Public Defender is hereby appointed to represent Defendant in his appeal in this case.

DATED this 17th day of July, 2015.


Steven Hippler
District Judge

cc: SAPD/Δ

EV

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on this 23 day of July, 2015, I caused a true and accurate copy of the foregoing document to be served upon the following pursuant to I.R.C.P. 5(f), as indicated below:

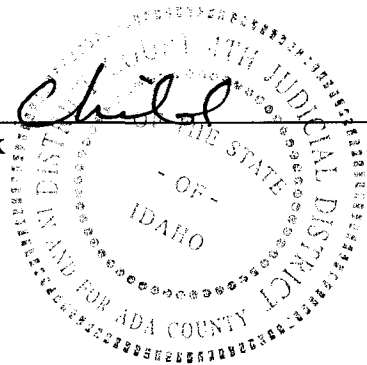
Ada County Prosecutor
200 W. Front St. Rm 3191
Boise, ID 83702
Fax: 287-7709

☒ Hand Delivery
☐ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

Joseph C. Miller
Mauk Miller & Burgoyne, LLC
515 S. 6th St.
Boise, ID 83702
Fax: 287-8788

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

E. Child
Deputy Clerk



NO. _____
A.M. _____ P.M. 4:43

SARA B. THOMAS
State Appellate Public Defender
I.S.B. #5867
P.O. Box 2816
Boise, ID 83701
(208) 334-2712

AUG 17 2015

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

ORIGINAL

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR ADA COUNTY

STATE OF IDAHO,

Plaintiff-Respondent,

v.

WILLIAM SCOTT DEMINT,

Defendant-Appellant.

CASE NO. CR 2014-12188

S.C. DOCKET NO. 43367

AMENDED
NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE PARTY'S ATTORNEYS, JAN BENNETTS, ADA COUNTY PROSECUTOR, 200 WEST FRONT STREET, BOISE, ID 83702, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:


1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction and Commitment entered in the above-entitled action on the 28th day of May, 2015, the Honorable Steven J. Hippler, presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).
3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

KW

- a. Did the district court err in failing to grant the appellant's motion to exclude evidence?
4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).
5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:
 - a. Motion to Exclude Evidence Hearing held on February 24, 2015 (Court Reporter: Christie Valcich, estimation of over 100 pages);
 - b. Entry of Guilty Plea Hearing held on March 31, 2015 (Court Reporter: Christie Valcich, estimation of less than 100 pages); and
 - c. Sentencing Hearing held on May 26, 2015 (Court Reporter: Valcich, estimation of less than 100 pages).
6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):
 - a. Transcript filed January 26, 2015;
 - b. Notice of Intent to Use Defendant's Sworn Statement filed March 2, 2015;
 - c. Affidavit in Support of Motion filed March 4, 2015;

- d. Witness and Exhibit List and Request for Jury Instructions filed March 13, 2015;
 - e. Guilty Plea Advisory filed March 31, 2015;
 - f. Rule 11 Conditional Plea filed March 31, 2015;
 - g. Any affidavits, objections, responses, briefs or memorandums, filed or lodged, by the state, appellant or the court in support of or in opposition to the Motion to Suppress; and
 - h. Any exhibits, including but not limited to letters or victim impact statements and other addendums to the PSI or other items offered at the sentencing hearing.
7. I certify:
- a That a copy of this Amended Notice of Appeal has been served on the Court Reporter, Christie Valcich;
 - b That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));
 - c That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
 - d That arrangements have been made with Ada County who will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e); and
 - e That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 17th day of August, 2015.


for SARA B. THOMAS
State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 17th day of August, 2015, caused a true and correct copy of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

JOSEPH C MILLER
MAUK MILLER & BURGoyNE LLC
PO BOX 1743
BOISE ID 83701

CHRISTIE VALCICH
COURT REPORTER
ADA COUNTY COURTHOUSE
200 W FRONT STREET
BOISE ID 83702
STATEHOUSE MAIL

JAN M BENNETTS
ADA COUNTY PROSECUTOR
200 WEST FRONT STREET
BOISE ID 83702
STATEHOUSE MAIL

KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
PO BOX 83720
BOISE ID 83720-0010
Hand delivered to Attorney General's mailbox at Supreme Court



MARA ANN LARA
Administrative Assistant

SBT/tmf/mal

SEP 14 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

128
Inmate name William DeMint
IDOC No. 85013
Address ISCC A-111B
PO Box 70010 Boise Idaho 83707

Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

William DeMint

Defendant.

Case No. CR4-12188 A

**MOTION FOR
CORRECTION OR
REDUCTION OF
SENTENCE, ICR 35**

COMES NOW, William DeMint, Defendant in the instant action, and pursuant
to Idaho Criminal Rule 35, moves this Honorable Court for its Order:

☐ Correcting the Defendant's illegal sentence, or

☒ Reducing Defendant's sentence for the reasons stated on page two of this motion:

1. The Defendant was convicted of Possession of a weapon before the Honorable
Judge Hipler and sentenced to a term of imprisonment in
the custody of the Idaho Department of Correction for:

☒ a unified term of 5 1/2 years including 2 1/2 years fixed followed by 2 1/2 years
indeterminate,

☐ a fixed term of _____ years.

2. The Defendant has been incarcerated since AUGUST 20th 2015 and has served
12 months (months/years) of the sentence.

MOTION FOR REDUCTION OR CORRECTION OF SENTENCE, ICR 35 - 1

Revised: 10/06/05

000196

3. The Defendant believes:

☒ The Court should reconsider its earlier sentence and reduce the same on the following grounds, or,

☐ The sentence is illegal and should be changed on the following grounds:

(State the reasons why you believe your sentence should be reduced. You may add extra pages if necessary. Any additional documentation must be attached hereto.)

- A) There is a mandatory override to medium custody when the full term release date is over 20 yrs which severely limits my employment opportunities creating a financial burden on my family.
- B) By allowing me to work earlier in my sentence I can make consistent payments on the over \$40,000 in fines and restitution. This would alleviate some stress of such a large debt upon my release.
- C) I will be able to be there for my daughters graduation from high school something that could truly make a difference. Now these are not guarantees I must show good behavior for 10 solid years to earn parole and to be afforded job opportunities. By reconsidering my sentence I believe it will be in my best interest along with my communities interest, my rehabilitation and the judicial economy of this motion is granted. Thank You Your Honor.

JA JMA

Defendant additionally submits the following documentation for consideration:

100c Classification sheet showing the override
due to being over 20yrs to an FTRD (full term
release date)

WHEREFORE, the Defendant, William DeMont, respectfully prays

this Honorable Court to reduce or correct the sentence as follows:

RUN THE 2 1/2 + 2 1/2 CONCURRENT with my 10 + 10 for a total
of TWENTY YEARS simply removing the consecutive
sentences or grant such

other and further relief, as the Court deems appropriate.

Respectfully submitted this 10 day of ~~SEPTEMBER~~
AUGUST, 2015.


Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 10 day of September, 2015, I
delivered to prison authorities for the purpose of mailing a true and correct copy of the MOTION
FOR REDUCTION OF CORRECTION OF SENTENCE, ICR 35 via prison mail system for
processing to the U.S. mail system to:

Adm County Prosecuting Attorney
200 West Front St
Boise Idaho 83702


Defendant



Idaho Department of Correction

Initial Classification Score Sheet

Offender Name: DEMINT, WILLIAM SCOTT

Facility: ISCI UNIT 15

Offender Number: 85013

Previous Custody Level: Initial

Section I Sentence, Criminal History, Age	Possible	Severity	Score
Category 1: Severity of Current Offense		LOW	1
<input type="checkbox"/> High Severity	<input type="checkbox"/> 9		
<input checked="" type="checkbox"/> Low Severity	<input type="checkbox"/> 1		
Category 2: Escape History			0
<input type="checkbox"/> Felony conviction for escape or attempted escape from adult secure facility (scored 10 years)	<input type="checkbox"/> 10		
<input type="checkbox"/> Felony escape or attempted escape from adult secure facility without a criminal conviction (scored 10 years)	<input type="checkbox"/> 7		
<input type="checkbox"/> Felony escape/walkaway or attempted escape/walkaway from an adult non-secure facility (scored 5 years)	<input type="checkbox"/> 4		
<input checked="" type="checkbox"/> None	<input type="checkbox"/> 0		
Category 3: Severity of Prior Felony Convictions		HIGH	5
<input checked="" type="checkbox"/> High Severity	<input type="checkbox"/> 5		
<input type="checkbox"/> Low Severity	<input type="checkbox"/> 1		
<input type="checkbox"/> No Prior Felony Convictions	<input type="checkbox"/> 0		
Category 4: Current Age			0
<input type="checkbox"/> < 23	Date of Birth	<input type="checkbox"/> 3	
<input type="checkbox"/> 24 - 31		<input type="checkbox"/> 2	
<input type="checkbox"/> 32 - 38		<input type="checkbox"/> 1	
<input checked="" type="checkbox"/> 39 - 50	Current Age	<input type="checkbox"/> 0	
<input type="checkbox"/> ≥ 51	44	<input type="checkbox"/> -1	
Section II Institutional Behavior			
<input type="checkbox"/> Class A DOR with Level 1 enhancement in the last 5 years.	<input type="checkbox"/> 25		0
<input type="checkbox"/> Class A DOR with Level 2 enhancement in the last 3 years.	<input type="checkbox"/> 23		
<input type="checkbox"/> Class A DOR without an enhancement in the last 12 months.	<input type="checkbox"/> 20		
<input type="checkbox"/> Class B DOR in the last 12 months.	<input type="checkbox"/> 7		
<input checked="" type="checkbox"/> No Class A or B DOR in the last 12 months.	<input type="checkbox"/> 0		
Section III Release Proximity (This section is not used for Initial Classification scoring.)			
Parole Eligible	Next Hearing	Tentative Parole	Full Term Release
05/15/2026			11/14/2038
Section IV Scoring		Score	Level
Basic Scoring		Scored Level	6 MEDIUM
Mandatory Overrides			
<input type="checkbox"/> Life Sentence and no Tentative Parole Date within 3 years.			
<input checked="" type="checkbox"/> 20 or more years until FTRD with no TPD within 5 years OR no PED, PHD, TPD, and			
<input type="checkbox"/> Detainer, Pending Felony Charges, or ICE Requests.		Adjusted Level	MEDIUM
Section V Discretionary Overrides			
<input type="checkbox"/> Needs to be managed at a higher custody	Comments:		
<input type="checkbox"/> Can be managed at a lower custody level			
Section VI Custody Level			
Prepared By:	Rice, Michael J 2766	06/15/2015	Recommended MEDIUM
Reviewed By:	Rice, Michael J 2766	06/15/2015	
Review Comment:			
Facility Head Review:			
Facility Head Comment:			
Management Review:			
Manager Comment:			
Served By:	Rice, Michael J 2766	06/16/2015	Assigned Level MEDIUM

000199

SEP 14 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

Inmate name William DeMint
IDOC No. 85013
Address ISCC A-111B
PO Box 70010 Boise ID 83707

Defendant

IN THE DISTRICT COURT OF THE 4th JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

William DeMint

Defendant.

Case No. CR-14-12188 A

MOTION FOR HEARING

COMES NOW, William DeMint, Defendant, in the above
entitled matter and moves this Honorable Court to grant Defendant's Motion for Hearing so that
information and oral argument can be presented in support of the Idaho Criminal Rule 35 motion
for a reduction of sentence.

WHEREFORE, Defendant respectfully prays that this Honorable Court issue it's Order
granting Defendant's Motion for Hearing.

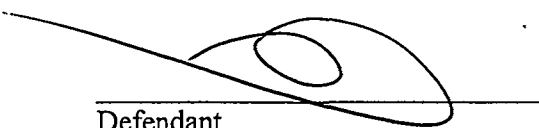
DATED this 10 day of September, 2015.


Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 10 day of September, 2015, I
delivered to prison authorities for the purpose of mailing a true and correct copy of the MOTION
FOR HEARING via prison mail system for process to the U.S. mail system to:

Ada County Prosecuting Attorney
200 West Front St
Boise Idaho 83702


Defendant

Inmate name William DeMint
IDOC No. 85013
Address 1SCC A-111B
PO Box 70010 Boise IDAHO 83707

Defendant

IN THE DISTRICT COURT OF THE 4th JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

William DeMint,

Defendant.

Case No. CR14-12188-A

**MOTION AND AFFIDAVIT IN
SUPPORT FOR
APPOINTMENT OF
COUNSEL**

COMES NOW, William DeMint, Defendant, in the above
entitled matter and moves this Honorable Court to grant Defendant's Motion for Appointment of
Counsel for the reasons more fully set forth herein and in the Affidavit in Support of Motion for
Appointment of Counsel.

1. Defendant is currently incarcerated within the Idaho Department of Corrections
under the direct care, custody and control of Warden Randy BLADES,
of the Idaho State Correctional Center.

2. The issues to be presented in this case may become to complex for the Defendant
to properly pursue. Defendant lacks the knowledge and skill needed to represent
him/herself.

3. Defendant required assistance completing these pleadings, as he/she was unable to do it him/herself.

4. Other: _____

DATED this 10 day of SEPTEMBER ~~AUGUST~~, 2015.


Defendant

AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL

STATE OF IDAHO)
County of ADA) ss

William DeMint, after first being duly sworn upon his/her oath, deposes and says as follows:

1. I am the Affiant in the above-entitled case;
2. I am currently residing at the Idaho State Correctional Center, under the care, custody and control of Warden Randy Blades;
3. I am indigent and do not have any funds to hire private counsel;
4. I am without bank accounts, stocks, bonds, real estate or any other form of real property;
5. I am unable to provide any other form of security;
6. I am untrained in the law;
7. If I am forced to proceed without counsel being appointed I will be unfairly handicapped in competing with trained and competent counsel of the State;

MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL - 2
Revised: 10/06/05

Further your affiant sayeth naught.

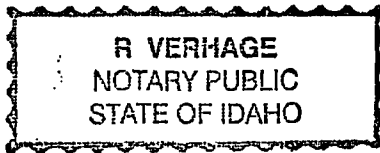
WHEREFORE, Defendant respectfully prays that this Honorable Court issue its Order granting Defendant's Motion for Appointment of Counsel to represent his/her interest, or in the alternative grant any such relief to which it may appear the Defendant is entitled to.


DATED This 10 day of SEPTEMBER ~~AUGUST~~, 20 15.


Defendant

SUBSCRIBED AND SWORN AND AFFIRMED to before me this 10 day
of September, 20 15.

(SEAL)




Notary Public for Idaho
Commission expires: 5/17/19

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 10 day of September, 2015, I mailed a copy of this MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL for the purposes of filing with the court and of mailing a true and correct copy via prison mail system for processing to the U.S. mail system to:

Ada County Prosecuting Attorney
200 West Front St
Boise Idaho 83702


Defendant

SEP 14 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

William DeMint 85013

Full Name of Party Filing Document

1300 A-111B PO Box 70010

Mailing Address (Street or Post Office Box)

BOISE IDAHO 83707

City, State and Zip Code

N/A

Telephone

IN THE DISTRICT COURT FOR THE 4th JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

State of IDAHO

Plaintiff,

vs.

William DeMint

Defendant.

Case No. CR14-12188-A

MOTION AND AFFIDAVIT FOR
PERMISSION TO PROCEED ON PARTIAL
PAYMENT OF COURT FEES (PRISONER)

IMPORTANT NOTICE: Idaho Code § 31-3220A requires that you serve upon counsel for the county sheriff, the department of correction or the private correctional facility, whichever may apply, a copy of this motion and affidavit and any other documents filed in connection with this request. You must file proof of such service with the court when you file this document.

☐ Plaintiff ☒ Defendant asks to start or defend this case on partial payment of court fees, and swears under oath

1. This is an action for (type of case) RULE 35. I believe I am entitled to get what I am asking for.

2. ☐ I have not previously brought this claim against the same party or a claim based on the same operative facts in any state or federal court. ☐ I have filed this claim against the same party or a claim based on the same operative facts in a state or federal court.

3. I am unable to pay all the court costs now. I have attached to this affidavit a current statement of my inmate account, certified by a custodian of inmate accounts, that reflects the activity of the account over my period of incarceration or for the last twelve (12) months, whichever is less.

4. I understand I will be required to pay an initial partial filing fee in the amount of 20% of the greater of: (a) the average monthly deposits to my inmate account or (b) the average monthly balance in my inmate account for the last six (6) months. I also understand that I must pay the remainder of the filing fee by making monthly payments of 20% of the preceding month's income in my inmate account until the fee is paid in full.

5. I verify that the statements made in this affidavit are true. I understand that a false statement in this affidavit is perjury and I could be sent to prison for an additional fourteen (14) years.

(Do not leave any items blank. If any item does not apply, write "N/A". Attach additional pages if more space is needed for any response.)

IDENTIFICATION AND RESIDENCE:

Name: William DeMint Other name(s) I have used: N/A

Address: ISCC A-111B PO BOX 70010 Boise Idh 83707

How long at that address? 1 month Phone: N/A

Year and place of birth: 1971 Florida

DEPENDENTS:

I am ☒ single ☐ married. If married, you must provide the following information:

Name of spouse: N/A

My other dependents including minor children (use only initials and age to identify children) are: _____

N/A

INCOME:

Amount of my income: \$ 0 per ☐ week ☐ month

Other than my inmate account I have outside money from: N/A

My spouse's income: \$ N/A per ☐ week ☐ month.

ASSETS:

List all real property (land and buildings) owned or being purchased by you.

Your Address	City	State	Legal Description	Value	Equity
<u>N/A</u>					

List all other property owned by you and state its value.

Description (provide description for each item)	Value
Cash	<u>0</u>
Notes and Receivables	<u>0</u>
Vehicles	<u>0</u>
Bank/Credit Union/Savings/Checking Accounts	<u>0</u>
Stocks/Bonds/Investments/Certificates of Deposit	<u>0</u>
Trust Funds	<u>0</u>
Retirement Accounts/IRAs/401(k)s	<u>0</u>
Cash Value Insurance	<u>0</u>
Motorcycles/Boats/RVs/Snowmobiles	<u>0</u>
Furniture/Appliances	<u>0</u>
Jewelry/Antiques/Collectibles	<u>0</u>
Description (provide description for each item)	
TVs/Stereos/Computers/Electronics	<u>0</u>
Tools/Equipment	<u>0</u>
Sporting Goods/Guns	<u>0</u>
Horses/Livestock/Tack	<u>0</u>

Other (describe) _____

N/A

EXPENSES: (List all of your monthly expenses.)

Expense

Average
Monthly Payment

Rent/House Payment

0

0

Vehicle Payment(s)

0

0

Credit Cards (List last four digits of each account number.)

N/A

0

0

0

Loans (name of lender and reason for loan)

N/A

0

0

0

0

0

0

0

0

0

0

Electricity/Natural Gas

N/A

Water/Sewer/Trash

N/A

Phone

N/A

Groceries

N/A

Clothing

N/A

Auto Fuel

N/A

Auto Maintenance

N/A

Cosmetics/Haircuts/Salons

N/A

Entertainment/Books/Magazines

N/A

Home Insurance

N/A

Expense	Average Monthly Payment
Auto Insurance <u>N/A</u>	<u>\$0</u>
Life Insurance <u>N/A</u>	<u>\$0</u>
Medical Insurance <u>N/A</u>	<u>\$0</u>
Medical Expense <u>N/A</u>	<u>\$0</u>
Other <u>Restitution & Court Fees</u>	<u>42,000</u>

MISCELLANEOUS:

How much can you borrow? \$ 0 From whom? N/A

When did you file your last income tax return? 2013 Amount of refund: \$ 1,000

PERSONAL REFERENCES: (These persons must be able to verify information provided.)

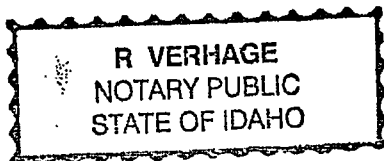
Name	Address	Phone	Years Known
<u>Lynda Westwood</u>	<u>3975 Jackson Ln</u>	<u>658-7762</u>	<u>15 yrs</u>

William DeMint
Typed/printed

[Signature]
Signature

STATE OF IDAHO)
County of Ada) ss.

SUBSCRIBED AND SWORN before me on this 10 day of September 2015



[Signature]
Notary Public for Idaho
Residing at Campana Canyon
Commission expires 5/13/19

= IDOC TRUST ===== OFFENDER BANK BALANCES ===== 08/31/2015 =

Doc No: 85013 Name: DEMINT, WILLIAM SCOTT
Account: CHK Status: INDIGENT

ICC/UNIT E PRES FACIL
TIER-1 CELL-11

Transaction Dates: 08/01/2014-08/31/2015

Beginning Balance	Total Charges	Total Payments	Current Balance
1.18	29.18	20.00	8.00DB

===== TRANSACTIONS =====					
Date	Batch	Description	Ref Doc	Amount	Balance
07/16/2015	HQ0719624-001	950-REINCARCERATED	IBSUSPCHK	0.00	1.18
07/21/2015	HQ0720038-015	011-RCPT MO/CC	MAILROOM	20.00	21.18
07/21/2015	HQ0720039-003	063-COURT ORDR	CR-FE14-45	4.00DB	17.18
07/27/2015	II0720548-591	099-COMM SPL		16.91DB	0.27
08/11/2015	IC0722655-***	099-COMM SPL		0.27DB	0.00
08/12/2015	IC0722897-001	071-MED CO-PAY	763278	8.00DB	8.00DB

STATE OF IDAHO

Idaho Department of Correction

I hereby certify that the foregoing is a full, true and
correct copy of an instrument as the same now remains
on file and of record in my office.

WITNESS my hand hereto affixed this 31ST

day of August A.D., 2015

by S. Anderson

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IN THE SUPREME COURT OF THE STATE OF IDAHO

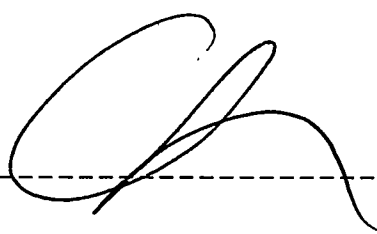
Supreme Court No. 43367

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
WILLIAM SCOTT DEMINT,)
)
Defendant-Appellant.)

NO. _____
A.M. _____
FILED P.M. 4:32
SEP 17 2015
CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on September 16,
2015, I lodged a transcript, 243 pages in length, for the
above-referenced appeal with the District Court Clerk of
Ada County in the Fourth Judicial District.



(Signature of Reporter)
Christie Valcich, CSR-RPR
September 16, 2015

Dates: February 25, 2015
March 31, 2015
May 25, 2015

KW

FILED
Friday, September 18, 2015 at 04:01 PM
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: E. Child
Deputy Clerk

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM SCOTT DEMINT,

Defendant.

Case No. CR-FE-2014-0012188

**NOTICE AND ORDER
APPOINTING PUBLIC DEFENDER**

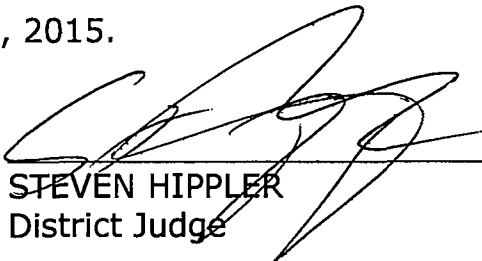
TO: The Office of the Ada County Public Defender:

The above named defendant appeared before the Court and requested the aid of counsel, and the Court being satisfied that said defendant is a needy person entitled to appointment of counsel;

The above named defendant's co-defendant is already represented by the Ada County Public Defender's Office.

IT IS HEREBY ORDERED That the Ada County Public Defender's Office is appointed to represent the defendant in all matters pertaining to this action, *other than the direct appeal currently being pursued,* or in the District Court until relieved by Court Order.

DATED Friday, September 18, 2015.


STEVEN HIPPLER
District Judge

cc: Ada County Prosecutor

Ada County Public Defender

cc: Defendant

NOTICE AND ORDER APPOINTING PUBLIC DEFENDER

Page 1

000213

EC

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

WILLIAM SCOTT DEMINT,

Defendant-Appellant.

Supreme Court Case No. 43367

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

That the attached list of exhibits is a true and accurate copy of the exhibits being forwarded to the Supreme Court on Appeal. ^

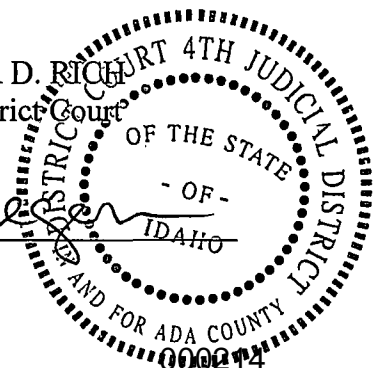
I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Transcript of Grand Jury proceedings held October 28, 2014, Boise, Idaho, filed January 26, 2015.
2. Presentence Investigation Report.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 22nd day of September, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By [Signature]
Deputy Clerk



CERTIFICATE OF EXHIBITS

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

HONORABLE STEVEN HIPPLER

February 25, 2015

CLERK: Emily Child

CT REPORTER: Christie Valcich

THE STATE OF IDAHO,

Plaintiff,

vs.

**WILLIAM SCOTT DEMINT,
JOSHUA A THOMAS,**

Defendant.

**Case No. CR-FE-2014-0012188
CR-FE-2014-0015738**

EXHIBIT LIST

Counsel for State: Heather Reilly

Counsel for Defendant: Joseph C Miller and Nicole Owens

STATE'S EXHIBITS / EVIDENCE

Admitted

Date Admit

(DR # If evidence, include property number here)

A.	Photo	Admitted	2/25/15
B.	Photo of truck	Admitted	2/25/15
C.	Photo	Admitted	2/25/15
D.	CD Audio	Admitted	2/25/15

DEFENDANT'S EXHIBITS

Admitted

Date Admit

1.	Paper with 4 photos	Admitted	2/25/15
----	---------------------	----------	---------

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

WILLIAM SCOTT DEMINT,

Defendant-Appellant.

Supreme Court Case No. 43367

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

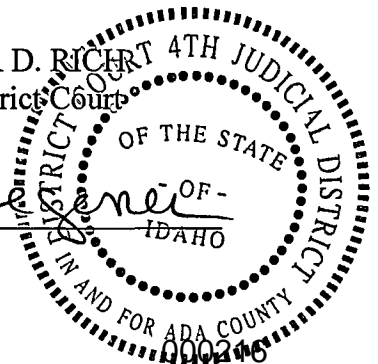
BOISE, IDAHO

Date of Service: SEP 22 2015

CERTIFICATE OF SERVICE

CHRISTOPHER D. RICH
Clerk of the District Court

By K. Wasden
Deputy Clerk



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

WILLIAM SCOTT DEMINT,

Defendant-Appellant.

Supreme Court Case No. 43367

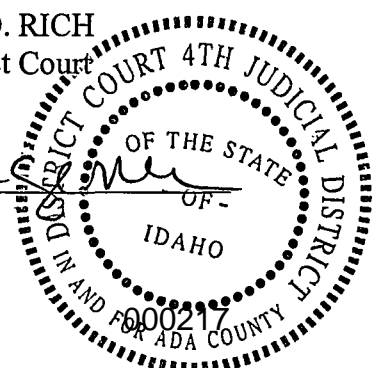
CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsel.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 18th day of June, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By K. Wes
Deputy Clerk



CERTIFICATE TO RECORD